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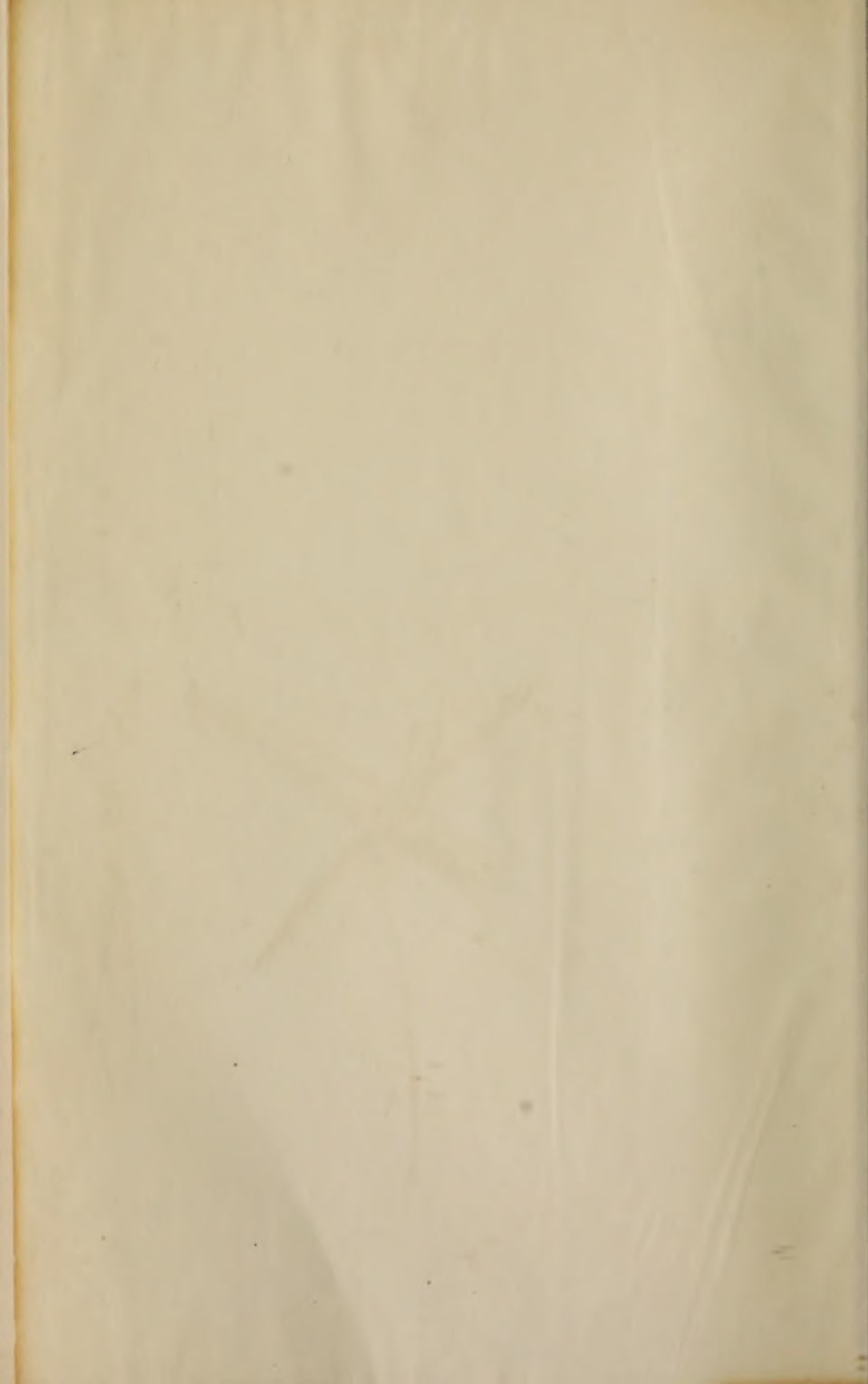
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THE
JOURNAL OF THE SENATE

DURING THE
THIRTY-SECOND SESSION

OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA,
1897.

BEGAN ON MONDAY, JANUARY FOURTH, AND ENDED ON SATURDAY, MARCH
TWENTIETH, EIGHTEEN HUNDRED AND NINETY-SEVEN.



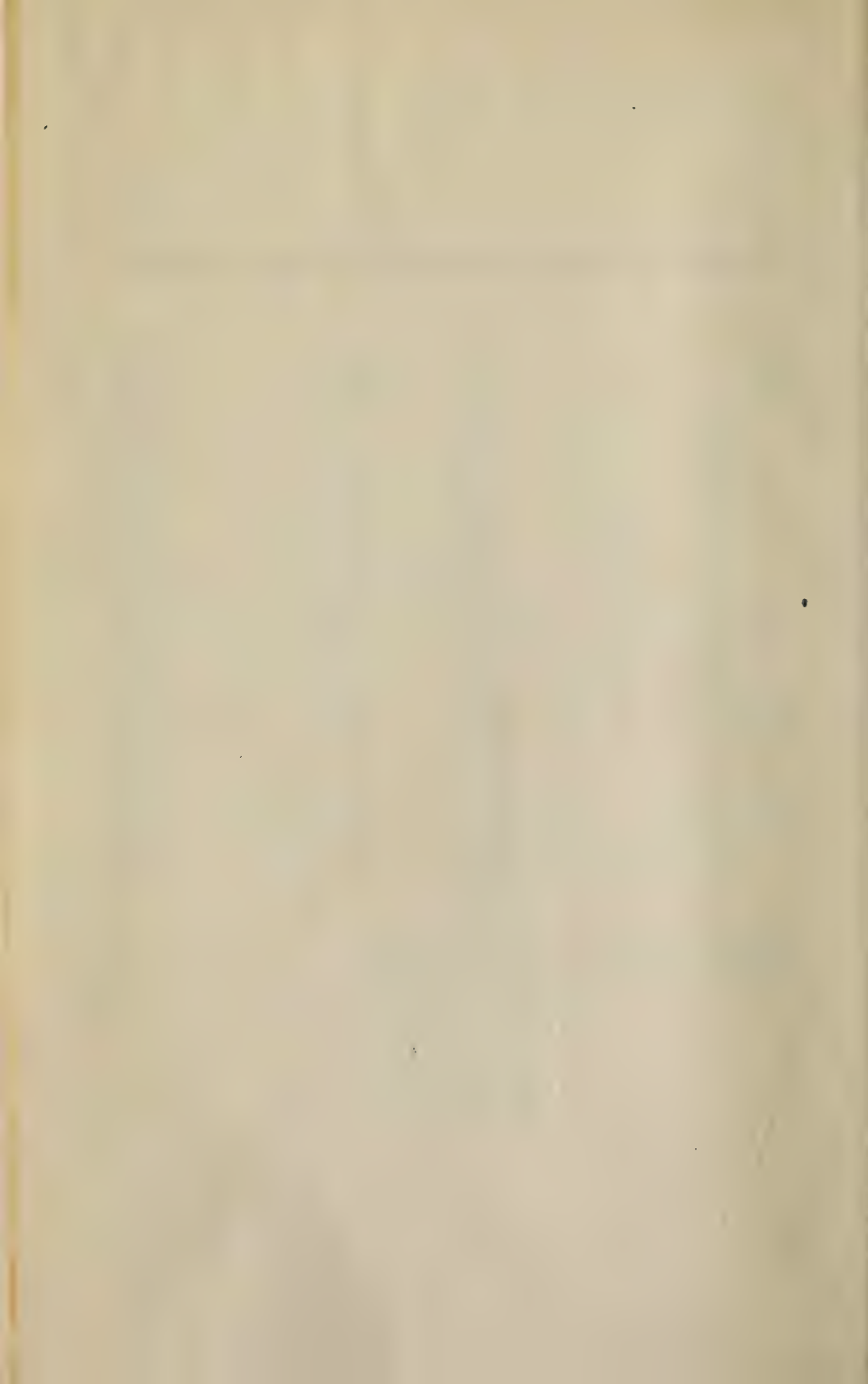
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CALIFORNIA LEGISLATURE—SENATE.

THIRTY-SECOND SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 4, 1897. }

At twelve o'clock M., the Senate was called to order by Lieutenant-Governor William T. Jeter, President of the Senate.

ROLL CALLS.

By direction of the President, the Secretary, Frank J. Brandon, called the roll of the hold-over Senators, and the following answered to their names:

Senators Androus, Aram, Beard, Bert, Denison, Franck, Gleaves, Henderson, Hollo-way, Linder, Mahoney, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Toner, Voorheis, and Withington.

The Secretary then called the roll of the Senators-elect, and the following answered to their names:

First District—Del Norte and Humboldt: James Norris Gillette.
Third District—Plumas, Sierra, and Nevada: William Frederick Prisk.
Fifth District—El Dorado and Placer: Emery Washington Chapman.
Seventh District—Lake and Napa: Calhoun Lee La Rue.
Ninth District—Solano: John Jacob Luchsinger.
Eleventh District—Contra Costa and Marin: John Henry Dickinson.
Thirteenth District—Sacramento: Gillis Doty.
Fifteenth District—San Joaquin: Benjamin Franklin Langford.
Seventeenth District—San Francisco: Samuel Brauhart.
Nineteenth District—San Francisco: Lawrence James Dwyer.
Twenty-first District—San Francisco: Edward I. Wolfe.
Twenty-third District—San Francisco: Sidney Hall.
Twenty-fifth District—San Francisco: John Joseph Feeney.
Twenty-seventh District—Alameda: Frederick Smith Stratton.
Twenty-ninth District—San Mateo and Santa Cruz: Daniel Hawk Trout.
Thirty-first District—Santa Clara: Henry Vinson Morehouse.
Thirty-third District—San Benito and Monterey: Thomas Flint, Jr.
Thirty-fifth District—Santa Barbara and Ventura: John Jewett Boyce.
Thirty-seventh District—Los Angeles: Robert Nelson Bulla.
Thirty-ninth District—San Bernardino, Orange, and Riverside: Thomas Jefferson Jones.

Whole number of Senators present, forty.

The President directed, as the name of each newly elected Senator was called, he come to the desk, present his certificate of election to the Secretary, sign the roll, and take the oath of office.

OATH OF OFFICE.

The Senators-elect present came forward to the bar of the Senate as their names were called, presented their certificates of election, signed the roll, and each took the following oath of office, administered by the President:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of Senator to the best of my ability. So help me God.

TEMPORARY RULES.

Senator Dickinson submitted the following as the temporary rules of the Senate, and moved their adoption:

TEMPORARY RULES OF THE SENATE.

I.—TIME OF MEETING OF SENATE.

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M. Until Monday, January 25, 1897, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by vote of the Senate.

II.—CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

III.—PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

IV.—ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county or of any county in the State.

V.—ORDER OF BUSINESS.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Introduction of Bills.
7. Special File.
8. Third Reading of Bills.
9. Second Reading of Bills.
10. Motions, Resolutions, and Notices.
11. First Reading of Bills.
12. Unfinished Business of the preceding day.
13. Special Orders of the day.
14. Reports from the Committee on Enrollment and on Engrossment shall at all times be in order; *provided*, that the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

VI.—INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill shall rise in his place and address the President, and, upon being recognized, shall present the same; and the title shall be announced from the Secretary's desk, when it shall be referred to a standing committee, and be printed, and a copy be placed upon each member's desk. Every bill shall be read on three several days previous to its passage, unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision, and the last reading shall be at length. The President shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

VII.—THE GENERAL FILE; ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day from two o'clock until three o'clock and thirty minutes p. m., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

VIII.—ORDER MAKING SPECIAL FILE.

The Secretary shall, from time to time, make up a file to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, and constitutional amendments, in the order named, and in the order in which the same may be reported to the Senate, and he shall place no other bills thereon.

IX.—SECRETARY TO POST GENERAL FILE DAILY.

The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the General File, giving their order, and also setting forth their number, and so much of their title as necessary to enable the Senators to understand their general purport.

X.—ENGROSSED BILLS TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

XI.—ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on the file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

XII.—AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

XIII.—AMENDMENTS AND SUBSTITUTES MUST BE GERMANE.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

XIV.—LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

XV.—SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

XVI.—STANDING COMMITTEES.

The following standing committees shall be appointed by the Senate:

1. Agriculture, Horticulture, Viniculture, and Viticulture; nine members.
2. Attachés, Contingent Expenses, and Mileage; five members.
3. Banks and Banking; seven members.
4. City, City and County, and Town Governments; nine members.
5. Claims, Retrenchment, and Public Expenditures; seven members.
6. Commerce, Harbors, Rivers, and Coast Defenses; nine members.

7. Constitutional Amendments; five members.
8. Corporations; eleven members.
9. Counties and County Boundaries; nine members.
10. County Government and Township Organization; nine members.
11. Education and Public Morals; seven members.
12. Elections; seven members.
13. Enrolled and Engrossed Bills; three members.
14. Federal Relations and Immigration; five members.
15. Finance; nine members.
16. Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game; seven members.
17. Hospitals; seven members.
18. Irrigation and Water Rights; thirteen members.
19. Judiciary; twelve members.
20. Labor and Capital; nine members.
21. Mines, Drainage, and Mining Debris; seven members.
22. Military Affairs; seven members.
23. Public Buildings other than Prison Buildings; eleven members.
24. Public Printing, and State Library; five members.
25. Public and Swamp and Overflowed Lands; five members.
26. Roads and Highways; nine members.
27. Rules and Revision; three members.
28. State Prisons and Prison Buildings; nine members.
29. Executive Communications and Nominations; three members.

XVII.

No leave of absence shall be granted to any greater number than three of any standing or special committee, for the purpose of visiting any public building or institution, except by a two-thirds vote of the entire Senate.

XVIII.—APPOINTMENT OF COMMITTEES.

All standing committees of the Senate shall be named by the Senate, unless otherwise ordered, and the first named shall be the Chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

XIX.—CLERKSHIPS OF COMMITTEES.

The Chairman of each committee, excepting the Committee on Executive Communications and Nominations, may appoint a Clerk without permission of the Senate.

XX.—ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

XXI.—CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

XXII.—ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

XXIII.—MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

XXIV.—READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

XXV.—SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

XXVI.—THE SENATOR ENTITLED TO FLOOR.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

XXVII.—SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

XXVIII.—FINAL QUESTION ON SECOND READING OF BILLS—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

XXIX.—AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

XXX.—NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator: *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; *provided, however*, that it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

XXXI.—SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator give notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

XXXII.—TITLES OF BILLS MUST BE IN JOURNAL.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

XXXIII.—WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL—VOTES ALWAYS ENTERED.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted in the Journal.

XXXIV.—RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

XXXV.—CASES NOT PROVIDED FOR, CUSHING TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

XXXVI. POWERS AND PRIVILEGES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

XXXVII. PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance, or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

XXXVIII. PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

XXXIX. — SERGEANT AT ARMS.

A Sergeant at Arms shall be elected to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings to execute the commands of the Senate from time to time together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant at Arms for every arrest, for each day's custody and retainerment, and for travelling expenses for himself and special messenger, going and returning shall be paid out of the contingent fund and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant at Arms to keep the accounts for pay and mileage of Senators, to prepare checks and if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President and countersigned by the Senator or person to whom the check is made) and pay over the same to the Senator or person entitled thereto.

XLI. MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any state of business, except while a question is being put, while the yeas and nays are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

XLI. — DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, State officers, officers of the two houses and such reporters as have seats assigned them, to the President from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

XLI. — EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the committee on Executive Communications and Nominations.

XLII.—PRINTING.

Five hundred copies of all bills shall be printed, and the Sergeant at Arms shall be required to certify to the reception by the Senate of all printed matter and the quantity, before payment shall be made of bills ordered therefor. Two copies of each bill, or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the number to whom such bill is referred and the balance shall be distributed according to law.

XLIII.—NUMBER OF COPIES TO BE PRINTED.

Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

XLIV.—SECRET SESSION.

On a motion made and seconded to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons except the Senators, Secretaries, Sergeant at Arms and Doorkeeper, to withdraw, and during the discussion of said motion the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be required by order of the Senate.

XLV.—ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate and the receipt in writing of the Engrossing Clerk thereon, and all said bills shall be engrossed in the order of their passage by said Engrossing Clerk, and all Senate bills shall, after their final passage, by a receipt from the Assembly be

delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

XLVII.—PRINTING THE DAILY JOURNAL.

The Superintendent of State Printing shall print a sufficient number of copies of the Journal of every day's proceedings of the Senate to supply Senators daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

XLVIII.—AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

XLIX.

All committees of the Senate shall report their action on all bills or matters referred to them within five days after reference, unless otherwise specially ordered.

L.—FORM OF PREVIOUS QUESTION—CALL OF SENATE.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

LI.

A Senator, after the notice of motion to reconsider is given, as provided in Rule XXX, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

The roll was called, and the motion to adopt the foregoing as temporary rules was carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—40.

NOES—None.

Whereupon the President declared the foregoing rules duly adopted as the temporary rules of the Senate.

ELECTION OF STATUTORY OFFICERS OF THE SENATE.

Senator Bert moved that the Senate proceed to elect the statutory officers of the Senate for the thirty-second session of the Legislature.
So ordered.

ELECTION OF PRESIDENT PRO TEM. OF THE SENATE.

Nominations being in order for President pro tem. of the Senate, Senator Morehouse placed in nomination Hon. Thomas Flint, Jr., State Senator from the Thirty-third Senatorial District.

Senator Seawell placed in nomination Hon. Benjamin F. Langford, State Senator from the Fifteenth Senatorial District.

There being no further nominations, the roll was called, with the following result:

For Senator Flint—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

For Senator Langford—Senators Braunhart, Chapman, Doty, Dwyer, Feeney, Flint, Hall, Henderson, La Rue, Prisk, Seawell, and Toner—12.

Whereupon the President declared Hon. Thomas Flint, Jr., duly elected President pro tem. of the Senate for the thirty-second session of the Legislature.

ELECTION OF SECRETARY OF THE SENATE.

Nominations being in order for Secretary of the Senate, Senator Franck placed Frank J. Brandon in nomination.

There being no other nominations, the roll was called, with the following result:

For F. J. Brandon—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

Whereupon the President declared Frank J. Brandon duly elected Secretary of the Senate for the thirty-second session of the Legislature.

ELECTION OF ASSISTANT SECRETARIES.

Nominations being in order for two Assistant Secretaries, Senator Holloway placed D. E. McKinlay in nomination.

Senator Flint placed George W. McIntyre in nomination.

There being no other nominations, the roll was called, with the following result:

For D. E. McKinlay and George W. McIntyre—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

Whereupon the President declared D. E. McKinlay and George W. McIntyre duly elected Assistant Secretaries of the Senate for the thirty-second session of the Legislature.

ELECTION OF SERGEANT-AT-ARMS.

Nominations for Sergeant-at-Arms of the Senate being in order, Senator Bert nominated Leslie F. Blackburn.

There being no other nominations, the roll was called, with the following result:

For L. F. Blackburn—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—27.

Whereupon the President declared Leslie F. Blackburn duly elected Sergeant-at-Arms of the Senate for the thirty-second session of the Legislature.

ELECTION OF ASSISTANT SERGEANT-AT-ARMS.

Nominations for Assistant Sergeant-at-Arms being in order, Senator Mahoney placed M. W. Coffey in nomination.

There being no other nominations, the roll was called, with the following result:

For M. W. Coffey—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—27.

Whereupon the President declared M. W. Coffey duly elected Assistant Sergeant-at-Arms of the Senate for the thirty-second session of the Legislature.

ELECTION OF MINUTE CLERK.

Nominations for Minute Clerk being in order, Senator Gillette placed John L. Childs in nomination.

There being no further nominations, the roll was called, with the following result:

For J. L. Childs—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—27.

Whereupon the President declared John L. Childs duly elected Minute Clerk of the Senate for the thirty-second session of the Legislature.

ELECTION OF JOURNAL CLERK.

Nominations for the office of Journal Clerk being in order, Senator Gleaves placed Theodore A. Simpson in nomination.

There being no further nominations, the roll was called, with the following result:

For T. A. Simpson—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

Whereupon the President declared Theodore A. Simpson duly elected Journal Clerk of the Senate for the thirty-second session of the Legislature.

ELECTION OF ENGROSSING CLERK.

Nominations for the office of Engrossing Clerk being in order, Senator Shippee placed C. R. Mayhew in nomination.

There being no further nominations, the roll was called, with the following result:

For C. R. Mayhew—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

Whereupon the President declared C. R. Mayhew duly elected Engrossing Clerk of the Senate for the thirty-second session of the Legislature.

ELECTION OF ENROLLING CLERK.

Nominations for the office of Enrolling Clerk being in order, Senator Simpson placed J. M. Gleaves, Jr., in nomination.

There being no further nominations, the roll was called, with the following result:

For J. M. Gleaves, Jr.—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—Ayes 27.

Whereupon the President declared J. M. Gleaves, Jr., duly elected Enrolling Clerk of the Senate for the thirty-second session of the Legislature.

ELECTION OF POSTMISTRESS.

Nominations for the office of Postmistress being in order, Senator Androus placed Miss Edna Cowan in nomination.

There being no further nominations, the roll was called, with the following result:

For Miss Edna Cowan—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

Whereupon the President declared Miss Edna Cowan duly elected Postmistress of the Senate for the thirty-second session of the Legislature.

ELECTION OF ASSISTANT POSTMISTRESS.

Nominations being in order for the office of Assistant Postmistress, Senator Bert placed Miss I. Erzgraber in nomination.

There being no further nominations, the roll was called, with the following result:

For Miss I. Erzgraber—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

Whereupon the President declared Miss I. Erzgraber duly elected Assistant Postmistress of the Senate for the thirty-second session of the Legislature.

APPOINTMENTS OF PAGES AND PORTERS.

To complete the organization of the Senate, the President announced the following as his appointments for Pages and Porters, the same to hold their positions for one week:

Pages—B. Androus, Frank Boek, and George E. Berger.

Porters—Andrew Walton, H. B. Brown, and A. Grubbs.

RESOLUTION APPOINTING CHAPLAIN.

Senator Stratton submitted the following resolution, and moved its adoption:

Resolved, That Rev. C. L. Miel be and he is hereby appointed Chaplain of the Senate, at a per diem of \$5, the same to be paid out of the fund for contingent expenses of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

NOES—None.

Whereupon the President declared Rev. C. L. Miel duly appointed Chaplain of the Senate for the thirty-second session of the Legislature.

The newly elected statutory officers of the Senate presented themselves at the bar of the Senate, subscribed to the oath of office, and were duly sworn in.

RESOLUTIONS.

Senator Aram presented the following resolutions, and moved their adoption:

Resolved, That the Secretary of the Senate be directed to notify the Assembly that the Senate was organized on Monday, the 4th day of January, 1897, and is ready to proceed to business, with the following officers:

President pro tem.....	Thomas Flint, Jr.
Secretary of Senate.....	F. J. Brandon.
Assistant Secretaries of Senate.....	D. E. McKinlay, Geo. W. McIntyre.
Minute Clerk.....	John L. Childs.
Journal Clerk.....	Theo. A. Simpson.
Engrossing Clerk.....	C. R. Mayhew.
Enrolling Clerk.....	J. M. Gleaves, Jr.
Sergeant-at-Arms.....	Leslie F. Blackburn.
Assistant Sergeant-at-Arms.....	M. W. Coffey.
Postmistress.....	Miss Edna Cowan.
Assistant Postmistress.....	Miss I. Erzgraber.
Chaplain.....	Rev. C. L. Miel.
Pages.....	B. Androus, Frank Boek, George E. Berger.
Porters.....	Andrew Walton, H. B. Brown, A. Grubbs.

Adopted.

Also:

Resolved, That the President of the Senate appoint a committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Adopted.

Whereupon the President appointed Senators Aram, La Rue, and Morehouse as a committee to wait upon the Governor and inform him that the Senate was organized and awaited his pleasure.

REPORT OF COMMITTEE.

Senator Aram, of the committee appointed to wait upon the Governor, reported their inability to find him, he having left the Capitol building.

Whereupon, on motion of Senator Seawell, the time for the committee to report to the Senate was set for ten A. M., Tuesday, January 5th.

ADJOURNMENT.

At one o'clock and fifteen minutes P. M., on motion of Senator Mahoney, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 5, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Hon. William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of yesterday, its further reading was dispensed with, on motion of Senator Bert.

SENATE JOINT RESOLUTION.

Senator Androus submitted the following resolution, and moved its adoption:

SENATE JOINT RESOLUTION No. 1.

WHEREAS, The Committee on Ways and Means of the House of Representatives is considering the preparation of a new tariff bill, in which the principle of protection to American industries is to be fully recognized; and

WHEREAS, The fruit industries of California are vitally interested in receiving adequate protection from foreign competition; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That we instruct our Senators and urgently request our Representatives in Congress from this State, that they use every means in their power to secure the incorporation, in the new tariff law, of such import duties on fruits as shall fully and completely protect the fruit interests of California from foreign competition, securing to California producers the control of the home market and a reasonable price for their products;

Resolved, That the Secretary of the Senate be directed to transmit to each of our Representatives in Congress, and to telegraph immediately to each of the Senators from this State, a copy of these resolutions.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

NOES—Senators Braunhart, Doty, Dwyer, Feeney, Hall, Henderson, La Rue, Prisk, Seawell, and Toner—10.

On motion of Senator Androus, Senate Joint Resolution No. 1 was ordered immediately transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE.

Senator Aram, of the special committee appointed to wait upon the Governor, reported as follows:

MR. PRESIDENT: Your committee appointed to notify the Governor that the Senate had perfected its organization and was ready to receive any communication he had to present to this body, respectfully report that they performed such duty by notifying the Governor accordingly, yesterday at three o'clock P. M.

Whereupon the committee was discharged.

RESOLUTIONS.

By Senator Mahoney:

Resolved, That each member of the Senate be and he is hereby allowed twenty-five (\$25) dollars for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate; and that the aggregate amount of the value of stamps and stationery which any member shall draw on requisition from the Secretary of State shall be charged to his account as part of his allowance hereby made.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.
NOES—None.

By Senator Simpson:

Resolved, That the Sergeant-at-Arms be, and that he is hereby instructed and directed, to provide each newspaper representative assigned a seat upon the floor of the Senate, two copies of any bill, resolution, or other document distributed by Pages upon the floor of the Senate.

Resolution adopted.

RECESS.

At ten o'clock and twenty-one minutes A. M., on motion of Senator Voorheis, the Senate took a recess until eleven o'clock and thirty minutes A. M.

RECONVENED.

At eleven o'clock and thirty minutes A. M., the Senate reconvened.

Hon. William T. Jeter, President of the Senate, in the chair.

Senator Voorheis moved that Assembly messages be taken up.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution:

Resolved, That the Chief Clerk be and he is hereby instructed to notify the Senate that the Assembly organized, on this fourth day of January, 1897, by the election of the following officers:

Frank L. Coombs	Speaker.
Brewster C. Kenyon	Speaker pro tem.
S. J. Duckworth	Chief Clerk.
W. O. Banks	Sergeant-at-Arms.
W. N. Lamphrey	Assistant Sergeant-at-Arms.
W. G. Hawzett	Assistant Clerk.
Clark Alberti	Assistant Clerk.
R. Q. Wickham	Minute Clerk.
E. S. Gridley	Journal Clerk.
John Varcoe	Enrolling Clerk.

Frank Barnett	Engrossing Clerk.
Miss Lizzie M. Baxter	Postmistress.
Miss N. Patton	Assistant Postmistress.
Charles F. Oehler	Chaplain.
E. M. Brock, A. Duncan Jones, C. T. Jones, H. Shaw	Porters.
Thos. J. Donahoe, Walter Benchley, W. Bullock, Claire Moore, — Tennis	Pages.

And awaits its pleasure in legislative business.

S. J. DUCKWORTH, Chief Clerk.

Ordered on file.

RESOLUTIONS.

By Senator Morehouse:

Resolved, That the State Printer be and he is hereby directed to print three hundred and sixty copies of all documents ordered printed, until otherwise ordered.

Resolution adopted.

By Senator Bert:

Resolved, That a temporary Committee on Mileage and Attachés, consisting of Senators Holloway, Bulla, and Henderson, be and is hereby appointed by the Senate.

Resolution adopted.

By Senator Bulla:

Resolved, That the Secretary of State be and he is hereby directed to purchase forty-five copies of Henning's Annotated Constitution of California, for the use of the Senate, and the State Controller is hereby directed to draw his warrant on the fund for the payment of the contingent expenses of the Senate in payment for same, and the State Treasurer is hereby authorized to pay said warrant.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—37.

NOES—None.

MOTION.

Senator Dickinson moved that messages from the Governor be taken up.
So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, SACRAMENTO, CAL., January 5, 1897.

To the Senate of the State of California:

I hereby transmit to your honorable body my first biennial message, with accompanying documents; also report of the State Board of Capitol Commissioners.

JAMES H. BUDD, Governor.

Senator Bert moved that the reading and further consideration of the Governor's biennial message be made a special order for to-morrow, immediately after the reading of the Journal.

So ordered.

REPORT OF BOARD OF STATE CAPITOL COMMISSIONERS.

SACRAMENTO, December 1, 1896.

To the Senate and Assembly of the State of California:

The thirty-first session of the Legislature of California appropriated for the maintenance of the State Capitol grounds for the forty-sixth and forty-seventh fiscal years, the following amounts:

RECEIPTS.	
For purchase of implements, hose, etc.....	\$5,000 00
For salaries of twelve employés	25,920 00
For salaries of three policemen	7,200 00
For lighting State Capitol grounds.....	2,400 00
For water, State Capitol grounds.....	2,400 00

EXPENDITURES.

From the appropriation for the "purchase of implements, hose, etc." (\$5,000 for forty-sixth and forty-seventh fiscal years), there has been paid to December 1, 1896..... \$3,229 76

Leaving a balance of..... 1,770 24

From the appropriation for salaries of employes, there has been paid to December 1, 1896 (seventeen months)..... 18,360 00

Leaving a balance of..... 7,560 00

From the appropriation for salaries of three policemen, from June 30, 1895, to December 1, 1896 (seventeen months), at \$100 per month..... 5,100 00

Leaving a balance of..... 2,100 00

From the appropriation for lighting State Capitol grounds:

5 lights at \$15 (9 months) one o'clock circuit..... \$675 00

5 lights at \$9 (1 month), all-night circuit..... 45 00

8 lights at \$9 (7 months), all-night circuit..... 504 00

Total, seventeen months..... 1,224 00

Leaving a balance of..... 1,176 00

Under contract made by former Board, the Capital Gas Company furnished five lights, on one o'clock circuit, for \$75, or \$15 per light. The Commissioners invited new bids, and the Capital Gas Company agreed to furnish lights on an "all-night circuit" at a reduction of \$6 per light, whereupon the Commissioners ordered three extra lights, making eight lights on an "all-night circuit" for \$72 per month.

From appropriation for water for State Capitol grounds, there has been paid..... \$1,800 00

Leaving a balance of..... 600 00

The Board has successfully bored a well, and has a good flow of water, and hope to be able to furnish the building and grounds with water at a rate much lower than above.

From the balance on hand (\$15,089 52) of the unexpended balance of appropriation of March 11, 1893, "For care and improvement of State Capitol grounds," \$39,500; expended as per last report, \$24,410 48; leaving a balance of \$15,089 52; the Board has expended, to December 1, 1896, the sum of..... \$11,637 37

Leaving a balance on hand December 1, 1896, of..... 3,452 15

From the appropriation for "Improving N, Fifteenth, and L streets," adjacent to the State Capitol grounds:

For superintending..... \$1,995 92

For incidentals..... 17 05

For contract..... 29,543 70

Total..... \$31,536 07

Leaving a balance of..... 1,471 33

By order of the Board, said balance of \$1,471 33 has been returned to the State Treasury.

The former Board asked the Legislature of 1895 to make an appropriation for the improvement of the State Capitol grounds east of Thirteenth Street, which for years has been a barren waste, given over to weeds, rubbish, and the pasturing of cattle; this the Legislature did not do. The present Board, with funds already on hand, has placed the entire tract under cultivation, and to-day it presents a beautiful appearance. The tract is laid out in symmetrical flower-beds—each outlined with a border of blue-grass, six feet in width—and the flowers and shrubs planted are making a fine growth and present a pleasing effect, with outlines for really fine effects in the future.

To illustrate the possibilities of our climate and soil, Mr. Dunn, State Gardener, has, by direction of the Board, set out groves of orange, lemon, olive, umbrella, Japanese persimmon, Japanese loquat, and pepper trees, each located to show to the best advantage; also, palms, flowering shrubs, many varieties of dahlias, variegated bamboo, and Australian gum. Since planting, to this date (December 1, 1896), not over twenty-five have died. Of the flowering plants there have been set out 2,000 French cannas, 2,000 caladium esculata, and quantities of other plants.

In addition to the work in the new garden, there have been draughted and staked out by the Gardener (as directed by the Commissioners), with the assistance of three men, a main walk from the tool-house at Twelfth Street to Fifteenth Street, through the grounds, 19 feet wide by 1,232 feet long, and 3,434 feet of branch walks, 8 feet wide. These have been surveyed, thrown up, crowned to center, rolled, and covered with three inches of decomposed granite from Folsom, at the cost of the labor and hauling only. The estimated cost of that work in bitumen would be not less than \$25,000. The walk, as laid, is both beautiful and wholesome, absorbing all moisture, and is kept in order

cheaply—making a most desirable path, both as to utility and beauty, at a cost of only \$2,353 11.

Labor—Three men at \$90 per month (3 months)	\$310 00
One man at \$90 per month (1 month)	90 00
Three men at \$90 per month ($\frac{1}{2}$ month)	135 00
Three men at \$90 per month (fraction of a month)	180 00
	<hr/>
Freight.....	\$1,215 00
Hauling by wagon	447 21
	<hr/>
Total.....	\$2,353 11

On the garden west of Eleventh Street all the sod—ten acres—has been spaded by hand to a depth of two feet, and planted with 800 pounds of blue-grass seed. All this had to be carefully weeded and watered throughout the summer, and now presents a beautiful lawn. This work has not been done in over twenty years.

In the hot-house, 15,000 plants were raised in 1895 and 20,000 in 1896, and planted in the front lawn and terraces. Sixty-three new flower-beds have been added to those already there. The Commissioners feel sure that the money put into the grounds has been well expended, and that the result has amply repaid the outlay.

Great credit is due Mr. Dunn for his work, and the Board feels that the result fully justifies its request that four more men be employed for the care of the grounds, in addition to the twelve now employed—one of whom shall be a skilled gardener and propagator. The lack of training in the men employed by the Board is a great drawback to the accomplishment of efficient work.

Owing to the extension of the garden through to Fifteenth Street, the Commissioners would ask for an increased appropriation to enable the entire garden to be properly cared for. The Gardener has in contemplation, and will probably have completed before your body convenes, the seeding of all the plats around the ground, where the ornamental palms are planted. The palms are doing finely, and present a very handsome appearance.

The Board recommends that an appropriation, not to exceed \$2,500, be made for painting of the Agricultural Pavilion;

Also, that a similar amount be appropriated for putting in a sewer extending from L to N Street, across the Capitol grounds, and connecting the same with the building and main sewers of the city;

Also, an appropriation, not to exceed \$1,000, to be used for the purpose of filling in the corner of the State Capitol grounds at Fifteenth and N streets, to the level of the surrounding grade.

These appropriations are urged by the Board, because, in its judgment, these improvements are necessary; and the construction of the sewer, as herein recommended, would result in an actual saving to the State.

JAMES H. BUDD,
L. H. BROWN,
LEVI RACKLIFFE,

Board of State Capitol Commissioners.

JOSEPHINE M. TODMAN,
Secretary Board of State Capitol Commissioners.

The report was ordered on file.

ADJOURNMENT.

At eleven o'clock and fifty-seven minutes A. M., the Senate, on motion of Senator Pedlar, adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 6, 1897. }

The Senate met at ten o'clock and twelve minutes A. M.

Hon. William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of yesterday, the further reading was dispensed with, on motion of Senator Simpson.

APPROVAL OF JOURNAL.

There being no corrections offered to the Journal of Monday, January 4, 1897, the same was approved.

ANNOUNCEMENT.

The President of the Senate announced that he had received papers in the matter of a contest of the election of Sidney Hall as State Senator from the Twenty-third Senatorial District; the contestant being John G. Tyrell.

Papers ordered in care of the Secretary, pending their reference to proper committee, when same shall be appointed.

SPECIAL ORDER.

The consideration of the Governor's message, on yesterday made a special order for this hour, was, on motion of Senator Bert, continued for five minutes.

MOTIONS.

Senator Bert moved that the introduction of bills be deferred until the Senate standing committees be selected.

So ordered.

Senator Doty moved that Assembly messages be taken up.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 5th day of January, adopted Assembly Joint Resolution No. 6, relative to the Powers-Gear funding bill.

Also: Senate Joint Resolution No. 1, relative to a protective tariff on the fruits of this State.

S. J. DUCKWORTH, Chief Clerk.

MOTIONS.

Senator Seawell moved that the Senate concur in the adoption of Assembly Joint Resolution No. 6.

Senator Smith moved, as an amendment, that consideration of Assembly Joint Resolution No. 6 be made a special order for Friday morning next, immediately after the reading of the Journal.

Amendment carried.

Senate Joint Resolution No. 1 ordered immediately transmitted to California's representatives in both houses of Congress.

SPECIAL ORDER—(CONSIDERATION OF THE GOVERNOR'S MESSAGE, HERETOFORE SET AS A SPECIAL ORDER FOR THIS HOUR)—RESOLUTION.

By Senator Bert:

Resolved, That the first biennial message of Governor James H. Budd be referred to a committee of five, whose duty it shall be to segregate and refer the different subjects therein to appropriate sub-committees, with instructions; said committee to be appointed by the President of the Senate.

Resolution adopted.

The President announced that he would appoint the committee on Governor's message later on.

REGULAR ORDER—RESOLUTION.

By Senator Pedlar:

Resolved, That the following named persons be and they are hereby elected as attachés of the Senate, to serve during the thirty-second (32d) session, except as otherwise herein designated. Said attachés shall serve in the capacities indicated, and receive the per diem named for each position, which shall be paid out of the fund provided for contingent expenses of the Senate, payment to be made in same manner as the statutory officers of the Senate are paid:

1. Assistant Sergeant-at Arms—Charles Newman, at a per diem of \$6.
2. Clerk to Sergeant-at-Arms—E. J. Niles, at a per diem of \$6.
3. Bookkeeper to Sergeant-at-Arms—A. B. Conrad, at a per diem of \$8.
4. Assistant Minute Clerks—Frank H. McConnell and W. R. Porter, at a per diem of \$8.
5. Assistant Journal Clerks—E. E. Carter and George C. Radehite, at a per diem of \$8.
6. Assistant Engrossing Clerk—George G. Parsons, at a per diem of \$8.
7. Assistant Enrolling Clerk—George F. Hatton, at a per diem of \$8.
8. History Clerk—A. L. Lindley, at a per diem of \$6.
9. Bill Filers—C. E. Foster and W. H. Rice, at a per diem of \$4.
10. Mail Carrier—Robert Hanford, at a per diem of \$3.
11. Mailing and Folding Clerk—R. L. Dunlap, at a per diem of \$3.
12. Assistant Mailing and Folding Clerk—G. Burnell, at a per diem of \$3.
13. Assistant Bill Filer—O. W. Maulsby, at a per diem of \$3 50.
14. Pages—Samuel Wacholder, William Martin, Chester Pedlar, Harry Bennett, Nestor Trout, Bert Balzari, and Dorr Eddy, at a per diem of \$3.
15. Watchmen—Robert Farrell, John T. Bury, J. M. Hunter, J. W. Snyder, H. A. Keeler, and H. H. Squires, at a per diem of \$3.
16. Gatekeepers—Elmer Burbank, N. T. Littlefield, and George T. Brown, at a per diem of \$3.
17. Doorkeepers—J. Terrill, P. H. Felley, and J. D. Shine, at a per diem of \$3.
18. Messenger to State Printer—A. Reddick, at a per diem of \$3.
19. Bill Clerk—George Rohe, at a per diem of \$5.
20. Assistant Bill Clerks—H. B. Androus and J. D. Wiseman, at a per diem of \$5.
21. Ushers—N. King, C. H. Martin, and J. H. Martin, at a per diem of \$4.
22. Committee Messengers—E. E. Skinner and Ed. Allen, at a per diem of \$4.
23. Assistant History Clerk—J. Keeler, at a per diem of \$4.
24. Messenger to Sergeant-at-Arms—J. G. McCall, at a per diem of \$5.
25. Assistant Enrolling Clerks (to serve from thirtieth day of session)—Charles Wood and C. A. Marston, at a per diem of \$8.
26. Assistant Engrossing Clerks (to serve from thirtieth day of session)—J. W. Kavanagh and C. E. Abbott, at a per diem of \$8.
27. Porters—A. L. Tilton, J. F. Summers, and J. P. Carter, at a per diem of \$3.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—38.

NOES—None.

OATH OF OFFICE.

The attachés named in the foregoing resolution presented themselves at the bar of the Senate, and were duly sworn in as such attachés.

NOTICE OF MOTION.

Senator Withington gave notice that on to-morrow he would move to amend Rule VI of the temporary rules of the Senate, so as to provide for the first reading of all bills upon introduction and before their reference to committees.

RESOLUTION.

By Senator Langford:

WHEREAS, We have learned with profound regret of the death of the Hon. Noble Martin, late Senator of this State from the Fifth Senatorial District; and

WHEREAS, He was always true to his own convictions of duty, both in public and private life, his highest ambition being to perform well and faithfully the part assigned to him; a wise legislator and incorruptible public servant, his name was honored and respected throughout the State of California, to whose welfare and prosperity he gave many years of his useful life; and

WHEREAS, He was admired for his talents and rugged virtues while living, and, now that he is dead, we desire to pay a tribute of respect to his memory; therefore, be it

Resolved, That, in the demise of the Hon. Noble Martin, the State of California has lost one of her purest and most useful representative citizens, whose whole life, public or professional, whether beside the sick couch or in the halls of legislation, was assiduously devoted to the course of justice and humanity;

Resolved, That the archives of this State conspicuously attest the wisdom of his public labors and his unflagging devotion to the rights of the people;

Resolved, further, That when the Senate adjourns, it adjourns in respect to his memory.

Senator Langford moved the adoption of the resolution, and that the same be by a rising vote.

The question being put for adoption, the full number of Senators, forty, arose; whereupon the President declared the same unanimously adopted.

On motion of Senator Simpson, the Secretary was ordered to transmit to the family of the late Noble Martin an engrossed copy of the above resolution.

LEAVE OF ABSENCE.

Senator Boyce asked that he be granted a leave of absence until Monday next, on account of ill health.

On motion of Senator Flint, the same was granted.

ADJOURNMENT.

At ten o'clock and forty-nine minutes A. M., the Senate, on motion of Senator Flint, adjourned out of respect to the memory of the late Noble Martin, ex-State Senator from the Fifth Senatorial District.

IN SENATE.

SENATE CHAMBER,
Thursday, January 7, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Arndous, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of yesterday, the further reading was dispensed with, on motion of Senator Dickinson.

RESOLUTION.

Senator Smith offered the following resolution, and moved its adoption:

WHEREAS, The Committee on Ways and Means of the House of Representatives is now engaged in revising the tariff laws of the country, for the purpose of providing sufficient revenues to meet the needs of the government, as well as to afford protection to American industries; and

WHEREAS, The agricultural, horticultural, pastoral, mining, and manufacturing industries of California are vitally interested in receiving protection from the competition of foreign products; therefore, be it

Resolved by the Senate of the State of California, That we instruct our Senators, and request our Representatives in Congress, to use their utmost endeavors to secure for our various industries the full measure of protection which they deserve, to the end that the producers and laborers of this State may be shielded from the ruinous competition of cheap foreign labor.

WHEREAS, California is but one State in this indissoluble Union of forty-five States; and

WHEREAS, All laws of Congress should be equitable and fair to all the people; therefore, be it

Resolved, That we cheerfully request for the laborers on the farms and in the mines and workshops of other States the same measure of protection which we ask for those of California;

Resolved, That the Secretary of this Senate be instructed to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

SUBSTITUTE.

Senator Braunhart offered the following as a substitute, and moved its adoption:

SENATE JOINT RESOLUTION RELATIVE TO THE FREE COINAGE OF SILVER.

WHEREAS, We recognize the fact that the demonetization of silver, and by refusal to give it equal standing in the coinage system of the United States, the material interest of the nation is dangerously impaired; and

WHEREAS, It is recognized to be a fact that the opposition to silver coinage emanates from speculative syndicates and moneyed classes, who seek to embarrass the people of the nation for the advancement of their own selfish ends; and

WHEREAS, We entertain the firm belief that the full measure of national prosperity will never be restored until the coinage of silver is resumed in accordance with the true intent and spirit of the Constitution of the United States, and having unbounded faith in the power and ability of this nation to restore and maintain silver in its proper position alongside of gold; and

WHEREAS, We believe that the issue of United States bonds, for the purpose of maintaining a single gold standard, or any standard that does not contemplate the free and unlimited coinage of silver, is a practice fraught with the greatest danger to the stability of our institutions and the maintenance of national credit; therefore, be it

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to earnestly and urgently advocate the immediate resumption of the free and unlimited coinage of silver, in the ratio of 16 to 1; and be it further

Resolved, That our Senators be instructed, and our Representatives be requested, to actively advocate the enactment of such laws as may be necessary to prevent the issue of United States bonds for the sole purpose of maintaining a single gold standard of money; and be it further

Resolved, That the Governor be requested to immediately transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

POINT OF ORDER.

Senator Withington made the following point of order: "That Senator Braunhart's resolution, not being germane to the subject-matter or resolution offered by Senator Smith, it could not be properly considered as a substitute for the same."

The President thereupon ruled that the point of order was well taken.

SUBSTITUTE.

The question recurring on the adoption of the original resolution, Senator Braunhart offered the following as a substitute, and moved its adoption:

SENATE JOINT RESOLUTION.

Resolved by the Senate of the State of California, the Assembly concurring, That we instruct our Senators, and urgently request our Representatives in Congress, to use every means within their power to secure such adjustment of the tariff laws that will not endanger our established domestic industries by any radical change in the system of taxation. On the contrary, a fair and careful revision of our tax laws, with due allowance for the difference between wages of American and foreign labor, must promote and encourage every branch of such industries and enterprises by giving them assurance of an extended market and steady and continuous operations. In the interest of American labor, which should in no event be neglected, the revision of our revenue laws should be so constructed as to promote the advantage of labor by cheapening the cost of the necessities in the home of every workingman, and at the same time securing him steady and remunerative employment.

The roll was called, and the substitute lost by the following vote:

AYES—Senators Braunhart, Chapman, Doty, Dwyer, Feeney, Hall, Henderson, Langford, La Rue, Prisk, Seawell, and Toner—12.

NOES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleave, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—27.

The question recurring on the adoption of the original resolution, Senator Seawell offered the following as a substitute, and moved its adoption:

SENATE JOINT RESOLUTION.

WHEREAS, The policy of the incoming Republican administration, as announced through their platform and the direct statement of their candidate-elect to be a high rate of tariff duties on the necessary articles of consumption used by the people, thereby imposing additional taxation on the masses of the people, and enabling the great trusts to profit by receiving more than their just share of so-called protection; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure the incorporation, in the new tariff law, of such import duties on the products of the State of California, including wine, wool, raisins, fruits, nuts, olives and olive oil, cereals, and lumber, as will com-

pletely protect such interests in California from foreign competition, thereby securing to California producers the control of the home market, and a reasonable price for their products;

Resolved, That the Secretary of the Senate be directed to transmit to each of our Representatives in Congress, and to telegraph immediately to each of the Senators from this State, a copy of these resolutions.

POINT OF ORDER.

Whereupon Senator Withington made the following point of order: "That Senator Smith's resolution related to the proposed revision of the tariff laws by the present Congress, whereas the substitute offered by Senator Seawell was based upon the promises of the incoming administration, and not of the present administration, and would therefore be, in the event of its adoption, without force, and is not germane to the original resolution, and cannot be properly adopted as a substitute."

The President thereupon decided the point of order well taken.

The question recurring on the adoption of the original resolution, the roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

NOES—Senators Braunhart, Chapman, Doty, Dwyer, Feeney, Hall, Henderson, La Rue, Prisk, Seawell, and Toner—11.

ANNOUNCEMENT.

The President of the Senate announced that he had received papers in the matter of an election contest, entitled Welch vs. Hall.

Also, additional papers in the matter of contest of the election of Sidney Hall as State Senator; the contestant being John G. Tyrell.

Papers ordered in care of the Secretary of the Senate, pending their reference to the Committee on Elections, when appointed.

APPOINTMENT OF SPECIAL COMMITTEE.

In conformity with the resolution adopted on yesterday, the President appointed as a special committee, whose duty it shall be to segregate and refer the different subjects of the Governor's first biennial message, Senators Pedlar, Bulla, Wolfe, Seawell, and Prisk, to whom was referred the message heretofore received from his Excellency the Governor.

RESOLUTIONS.

The following resolutions were offered and their adoption moved:
By Senator Stratton:

Resolved, That the Controller be and is hereby directed to deliver to the Sergeant-at-Arms or his bookkeeper all the warrants of the members of this Senate and the officers and attachés thereof, taking his receipt therefor.

Resolution adopted.

By Senator Bulla:

Resolved, That the Sergeant-at-Arms be instructed to receipt for and distribute to the members of the Senate the forty-five copies of Henning's Constitution provided for in a resolution heretofore passed.

Resolution adopted.

By Senator Androus:

WHEREAS, Since the adjournment of the thirty-first session of the State Legislature death has removed from us the Hon. Spencer G. Millard, Lieutenant-Governor of the State of California and President of the State Senate; and

WHEREAS, He was always a man true to the highest principles of manhood; a citizen alike loyal in thought and deed to the best interests of his country; and in public and private life a true friend and model citizen; therefore, be it

Resolved, That in his death the State of California has lost a valuable public servant, and his fellow-citizens a true and loyal champion of their interests and welfare; and further

Resolved, That when this Senate adjourn it adjourn out of respect to his memory; and further

Resolved, That the Secretary of the Senate be and he is hereby instructed to send a copy of these resolutions, properly engrossed, to the family of the deceased.

The question being put on the adoption of the resolution, a rising vote was ordered, whereupon the full number of Senators arose in their places.

The President thereupon declared the resolution unanimously adopted, and directed the Secretary to have prepared, in accordance with the provisions of said resolution, a suitable engrossed copy of the same, and to forward such as directed.

By Senator Pedlar:

Resolved, That the Secretary of the Senate be and he is hereby authorized to appoint A. D. Bowen as Assistant Secretary, at a per diem of \$3 from January 4, 1897; the per diem of same to be paid out of the fund provided for the contingent expenses of the Senate in the same manner in which the statutory officers of the Senate are paid;

Resolved, That the following attachés be appointed to serve the Senate in the positions herein designated:

C. H. Crocker, Sergeant-at-Arms to Judiciary Committee, at a per diem of \$3.

E. A. Tibbitts, Sergeant-at-Arms to Committee on Elections, at a per diem of \$3.

Richard O'Connor, Messenger to Committee on Counties and County Government, at a per diem of \$3.

Don J. Shields, Messenger to Committee on Military Affairs, at a per diem of \$3.

H. H. Harlow, Assistant Clerk to Committee on Corporations, at a per diem of \$5.

F. A. Blakeley, Assistant Clerk to Committee on Education and Public Morals, at a per diem of \$5.

The per diem of each to be paid out of the fund provided for the contingent expenses of the Senate, in the same manner in which the statutory officers of the Senate are paid.

Senator La Rue moved that the resolution be referred to the temporary Committee on Attachés, Contingent Expenses, and Mileage.

Lost.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—26.

NOES—Senators Braunhart, Chapman, Doty, Feeney, La Rue, Prisk, and Toner—7.

COMMUNICATION.

The President directed the Secretary to read the following, which had been addressed him as President of the Senate:

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA, }
SAN FRANCISCO, January 5, 1897. }

President of the Senate, State Capitol, Sacramento, Cal.:

DEAR SIR: Inclosed you will find copy of resolutions passed by this Board at their last meeting, held December 11, 1896, duly attested and signed by the Secretary.

Yours very truly,

MANUFACTURERS AND PRODUCERS' ASSOCIATION.

By L. R. MEAD, Secretary.

Resolved, That the Manufacturers and Producers' Association of California is unalterably opposed to the employment of convicts within the State Prisons of California, other than in the manufacture of jute bags and the breaking of stones taken from quarry upon prison grounds for the use of public roads and highways;

That as an association we will use all honorable means to defeat any bill or measure which may be presented by the honorable Board of State Prison Directors to the Legislature of California which will give employment to convicts other than the two herein named;

Further, That we indorse the "Southwick Bill" now pending in Congress, which stops the transportation of goods, wares, or merchandise from one State to the other of convict make or manufacture;

Further, That the Manufacturers and Producers' Association of California, realizing the fact that this State has and is suffering to the amount of millions of dollars from the competition of convict labor from different States of the United States, asks the cooperation of all industrial and labor organizations throughout California to use their best endeavors to have measures passed in Congress and in the State Legislature which will effectually end this unjust competition;

That the Secretary of this Association be and is hereby requested to forward a copy of these resolutions, duly attested, to the Governor of California, the President of the Senate, and the Speaker of the Assembly, when the Legislature meets; also, to the President of the California State Board of Prison Directors.

I hereby certify that the foregoing is a true copy of resolutions passed by the Board of Directors of the Manufacturers and Producers' Association of California, at a meeting of the Board held December 11, 1896.

L. R. MEAD,
Secretary Manufacturers and Producers' Association of California.

There being no objection, the same was ordered spread on the minutes.

APPROVAL OF JOURNAL.

There being no corrections offered to the Journal of Tuesday, January 5, 1897, the same was approved.

Senator Smith asked unanimous consent for the consideration of Assembly Joint Resolution No. 6—relative to the refunding of the debts of certain government-aided railroads—heretofore set as a special order for consideration immediately after the reading of the Journal on Friday, January 8, 1897.

Consent unanimously granted.

ASSEMBLY JOINT RESOLUTION No. 6—(COMMITTEE SUBSTITUTE FOR ASSEMBLY JOINT RESOLUTIONS Nos. 1 AND 2).

WHEREAS, There is now pending in Congress a measure, known as the "Powers-Gear" bill, which has for its object the refunding of the debts of certain Government-aided railroads; and

WHEREAS, Any scheme for refunding the Pacific Railroads' indebtedness to the United States Government, or any extension of the time for payment of the same, must result in maintaining an excessive capitalization of these roads, thus requiring high rates of fares and freights to meet the interest payments thereon, to the great burden and disadvantage of the People of the State of California; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That we are unalterably opposed to any and all extensions of the time for payment of said debts, and also to the Powers-Gear bill, or any other bill of like import, and we hereby instruct our Senators, and request our Representatives in Congress, to oppose, by all honorable means, the enactment of any such measure; and be it further

Resolved, That we favor the immediate collection, on maturity, of said debts, or in the event the same cannot be collected, then we urge the enforcement of existing laws of the United States concerning this question; and be it further

Resolved, That we petition, in behalf of the State of California, for a hearing before the respective committees of Congress having jurisdiction of the subject; and the Senate and House of Representatives of the United States are hereby further petitioned to recommit the measure now under consideration, and delay final action thereon until such hearing can be had; be it further

Resolved, That the Governor be requested to immediately transmit, by telegraph, a copy of these resolutions to our congressional delegation at Washington.

The above resolution was read, and its adoption moved by Senator Smith.

The roll was called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Frank, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—39.

NOES—None.

REPORT OF COMMITTEE (TEMPORARY).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 7, 1897.

MR. PRESIDENT: Your temporary Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the Mileage of Senators, have had the same under consideration, and respectfully report the following Senators entitled to mileage under the Political Code, for their attendance at the thirty-second session of the Senate:

Dist.	Senators.	Residence.	Miles.	Amount.
38—	Androus, S. N.	Pomona	513	\$102 60
6—	Aram, E.	Woodland	20	4 00
28—	Beard, J. L.	Centerville	116	23 20
20—	Bert, E. F.	San Francisco	84	16 80
35—	Boyce, J. J.	Santa Barbara	369	73 80
37—	Bulla, R. N.	Los Angeles	478	95 60
17—	Braunhart, S.	San Francisco	84	16 80
5—	Chapman, E. W.	Greenwood	75	15 00
11—	Dickinson, J. H.	Sausalito	96	19 20
13—	Doty, G.	Elk Grove	15	3 00
19—	Dwyer, L. J.	San Francisco	84	16 80
26—	Denison, E. S.	Oakland	91	18 20
25—	Feeney, J. J.	San Francisco	84	16 80
30—	Franck, F. C.	Santa Clara	132	26 40
33—	Flint, Thos. Jr.	San Juan	180	36 00
1—	Gillette, J. N.	Eureka	312	62 40
2—	Gleaves, J. M.	Redding	177	35 40
10—	Holloway, J. C.	Cloverdale	182	36 40
22—	Henderson, P. L.	San Francisco	84	16 80
23—	Hall, S.	San Francisco	84	16 80
39—	Jones, T. J.	Anaheim	496	99 20
7—	La Rue, C. L.	Yountville	71	14 20
9—	Luchsinger, J. J.	Vallejo	61	12 20
15—	Langford, B. F.	Acampo	58	11 60
32—	Linder, K.	Tulare	224	44 80
24—	Mahoney, J. H.	San Francisco	84	16 80
31—	Morehouse, H. V.	San José	128	25 60
3—	Prisk, W. F.	Grass Valley	67	13 40
16—	Pedlar, A. J.	Fresno	169	33 80
4—	Shippee, W. A.	Avon	89	17 80
8—	Seawell, J. H.	Ukiah	209	41 80
12—	Shine, J. H.	Sonora	100	20 00
27—	Stratton, F. S.	Oakland	91	18 20
34—	Smith, S. C.	Bakersfield	278	55 60
36—	Simpson, C. M.	Pasadena	488	97 60
18—	Toner, Hugh	San Francisco	84	16 80
29—	Trout, D. H.	Boulder Creek	220	44 00
14—	Voorheis, E. C.	Sutter Creek	59	11 80
21—	Wolfe, E. I.	San Francisco	84	16 80
40—	Withington, D. L.	Escondido	604	120 80

Your committee also recommends the adoption of the following resolution:

Resolved, That the Senators above named be and are hereby allowed the amount set opposite their respective names for mileage for attendance on the thirty-second session of the Senate, and the Controller is directed to draw his warrant for said amount, to be paid out of the appropriation for per diem and mileage of Lieutenant-Governor and Senators, and the Treasurer is hereby directed to pay the same.

J. C. HOLLOWAY, Chairman,
ROBT. N. BULLA,
PERCY L. HENDERSON,
Committee.

Senator Holloway moved the adoption of the report and accompanying resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—35.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 7, 1897.

MR. PRESIDENT: Your temporary Committee on Mileage and Attachés have had under consideration the mileage and per diem of the temporary officers of the Senate, and beg leave to report that the following attachés and officers are entitled to mileage and per diem under the provisions of the Political Code:

<i>Mileage.</i>	
W. T. Jeter, President—410 miles.....	\$41 00
F. J. Brandon, Secretary—256 miles.....	25 60
Leslie F. Blackburn, Sergeant-at-Arms—182 miles.....	18 20
R. Shaw, Assistant Secretary—346 miles.....	34 60
E. J. Ensign, Assistant Secretary—566 miles.....	113 20
E. F. Mitchell, Minute Clerk—338 miles.....	33 80
Miss Kittie McHugh, Postmistress—182 miles.....	18 20

<i>Per Diem.</i>	
R. Shaw, Assistant Secretary—6 days.....	48 00
Chauncey Clark, Assistant Secretary—6 days.....	48 00
E. J. Ensign, Assistant Secretary—6 days.....	48 00
George Leon, Assistant Secretary—6 days.....	48 00
Charles Newman, Assistant Sergeant-at-Arms—2 days.....	12 00
E. F. Mitchell, Minute Clerk—6 days.....	48 00
C. S. McMullen, Assistant Minute Clerk—6 days.....	48 00
F. Keeney, Assistant Minute Clerk—6 days.....	48 00
John Francis, Journal Clerk—6 days.....	48 00
M. Raltem, Assistant Journal Clerk—6 days.....	48 00
A. T. Graner, Assistant Journal Clerk—6 days.....	48 00
E. W. Castroline, Engrossing Clerk—6 days.....	48 00
L. Donas, Assistant Engrossing Clerk—6 days.....	48 00
J. H. Dungan, Enrolling Clerk—6 days.....	48 00
L. Martin, Assistant Enrolling Clerk—6 days.....	48 00
Miss Kittie McHugh, Postmistress—6 days.....	24 00
Mrs. A. L. Blanchard, Assistant Postmistress—6 days.....	24 00
L. H. Pedlar, Bookkeeper to Sergeant-at-Arms—6 days.....	48 00
Ed. Niles, Clerk to Sergeant-at-Arms—2 days.....	16 00
Robt. Hanford, Mail Carrier—2 days.....	6 00
A. Noble, Doorkeeper—6 days.....	24 00
E. E. Cowan, Gatekeeper—6 days.....	18 00
Edward Casey, Bill Clerk—6 days.....	24 00
W. L. Basse, File Clerk—6 days.....	18 00
Hiram Clock, Gatekeeper—6 days.....	18 00
E. O. Tuttle, Gatekeeper—6 days.....	18 00
I. N. Terrill, Gatekeeper—2 days.....	6 00
Richard May, Watchman—6 days.....	18 00
Calvin McDonald, Gatekeeper—6 days.....	18 00
C. D. Edwards, Porter—6 days.....	18 00
Andrew Walton, Porter—6 days.....	18 00
H. B. Brown, Porter—6 days.....	18 00
A. Grubbs, Porter—6 days.....	18 00
W. Sampson, Porter—6 days.....	18 00
L. L. Wintrengren, Porter—6 days.....	18 00
A. H. Starr, Watchman—6 days.....	18 00
Al. Baker, Watchman—6 days.....	18 00
R. Farrell, Watchman—2 days.....	6 00
H. H. Squires, Watchman—2 days.....	6 00
George Berger, Page—6 days.....	18 00
Frank Book, Page—6 days.....	18 00
H. Hanscom, Page—6 days.....	18 00
Earl Byron, Page—6 days.....	18 00
Harry Kent, Page—6 days.....	18 00
William Barron, Page—6 days.....	18 00
H. B. Androus, Page—2 days.....	6 00
Truman Thorpe, Page—6 days.....	18 00
William Wicks, Electrician—6 days.....	18 00
Joseph Turner, Porter—6 days.....	18 00
M. Dunn, Porter—6 days.....	18 00

Our committee also recommend the adoption of the following resolution:

Resolved, That the officers and employés of the Senate be and they are hereby allowed the sums set opposite their respective names for mileage and per diem for attendance of the thirty-second session of the Senate, and the Controller is hereby directed to draw his warrant for said amounts, payable out of the fund for the contingent expenses of the Senate, and the Treasurer is hereby directed to pay the same.

J. C. HOLLOWAY, Chairman,
ROBT. N. BULLA,
PERCY L. HENDERSON,
Committee.

Senator Holloway moved the adoption of the report and accompanying resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—35.
NOES—None.

POSTPONEMENT.

On request, Senator Withington was granted the privilege of moving an amendment to Rule VI of the temporary rules of the Senate on a later day, hereafter to be selected.

ADJOURNMENT.

At eleven o'clock and twenty-seven minutes A. M., the Senate, on motion of Senator Bert, adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 8, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of yesterday, the further reading was dispensed with, on motion of Senator Gleaves.

APPROVAL OF JOURNAL.

There being no corrections offered to the Journal of Wednesday, January 6, 1897, the same was approved.

LEAVE OF ABSENCE.

At ten o'clock and twenty minutes A. M., Senator Wolfe was granted a leave of absence for one hour, on motion of Senator Pedlar.

Senator Prisk was granted a leave of absence for the day, on motion of Senator Seawell.

By his request, Senator Morehouse was granted a leave of absence for Monday, January 11, 1897.

ANNOUNCEMENT.

The President of the Senate announced that he does now appoint as regular Pages and Porters of the Senate, with pay to commence with Monday, January 11, 1897, the following named persons:

Pages—J. B. Harris, Jr., Frank Boek, Wm. R. Saunders.

Porters—Chas. E. Fowler, Ralph Bradley, B. Dodson.

RESOLUTION.

The following resolution was submitted by Senator Langford:

SENATE JOINT RESOLUTION No. 2.

Resolved by the Senate of the State of California, the Assembly concurring. That—

WHEREAS, The fruit-growers of California, in convention assembled, December 2, 1896, at Sacramento, California, adopted a memorial to the Congress of the United States, respecting the duties upon foreign fruits, expressive of the views of the convention and the fruit-growers of California; therefore, be it

Resolved, That the Legislature of California fully indorse the objects set forth in said memorial and approve the same, and hereby petition Congress to enact a tariff on fruits and fruit products, as follows:

1. *Olives*, green or prepared, which were not upon the dutiable list in the Act of 1890, and which, by the Act of 1894, were placed on the dutiable list with twenty per cent ad valorem duty, should be 20 cents per gallon. The California plantings of this precious tree are increasing, and should be encouraged.

2. *Olive Oil* for salad was given a specific duty of 35 cents per gallon, both by the Act of 1890 and by the Act of 1894. The consumer gets this oil in bottles, about five of which make a gallon; it sells at 75 cents to \$1 per bottle. The invoice price at which it is valued for duty is about \$1 08 per gallon, or a duty of 7 cents per bottle. This duty is too small; we therefore ask that it be not less than \$1 per gallon, and the same on all oils of which olive oil forms a part. In 1895 we exported 21,187.72 gallons of cotton-seed oil. Much of this returned to America, after further treatment, labeled "pure olive oil," greatly to the detriment of the pure oil made from the fruit grown in California. At present we must compete not only with pure olive oil, but also with cotton-seed oil and other substitutes.

3. *Raisins, Zante Currants, Sultanas*, and all other dried products of the grape should be given 2½ cents per pound—the duty of 1890. This industry has grown so rapidly that raisins have cheapened in the market far beyond expectations, and to a point affording but little profit to the grower. The present duty of 1½ cents per pound about covers cost of transportation to New York and Chicago. The foreign article comes in with very small freight charge. Our product should have at least 1 cent per pound clearly protective, and even this will not put our grower upon an equal footing with the foreign producer. The cost of transportation on imported fruits is about 30 cents per hundred pounds, while we pay \$1 50 per hundred pounds.

4. *Almonds*.—The price realized during the past two years has not been remunerative. It is one of the most delicate fruits, and more likely to suffer from frost than even the orange; it blooms early and is quite tender in the bloom, and for some time after setting the fruit. There are many things to discourage its planting, and yet it is very desirable that we should continue its production, as, since we began its culture, we have produced many very desirable new varieties, and have cheapened the price so that the consumer in recent years has indulged in this luxury to a much greater extent than formerly. Notwithstanding we have grown the almond quite extensively, the importations have increased. The rate of duty does not seem to have affected the imports. In 1892, when the duty was 5 cents, our imports were 7,629,392 pounds. In 1895, they were nearly 8,000,000 pounds. By the Act of 1883 and the Act of 1890 and the Mills bill, the rate was 5 cents. The Wilson bill cut it down to 3 cents, which is too low. There was less revenue to the Government in 1895 at 3 cents than formerly at 5 cents, and there was less protection. We ask that the duty be made 6 cents per pound on unshelled and 10 cents on shelled almonds.

5. *Walnuts*.—Walnuts are largely produced in the State. The acreage planted is greater than that of the almond, and it is a more profitable tree, where soil and climate are favorable. In the Acts of 1883 and 1890 and the Mills bill, the same rates were imposed (except that by the Act of 1890 the rate was properly increased on shelled walnuts from 3 to 6 cents per pound). The Wilson Act of 1894 cut down the rate to 2 cents. It should be restored to the old rate of 3 cents on unshelled and 6 cents on shelled. It takes much longer to bring a walnut tree to bearing than the almond, and the area adapted to its production is much less.

6. *The Prune Industry*.—The duty by the Act of 1883 was 1 cent per pound, and the same by the Mills bill. The Act of 1890 increased it to 2 cents, but the Act of 1894 reduced it to 1½ cents. The present duty does not more than cover the cost of transportation to our markets, so that we practically enter them with no advantage over the foreign producer.

The duty should be 2½ cents per pound on prunes and plums. Since California has developed this industry, the prune has become a common article of food, greatly prized by the masses, and has been so cheapened in price that all classes may use it. So long as the foreign trade had the market, the prune was a luxury.

In 1893, foreign prunes were laid down in New York city for 4 and 4½ cents per pound, duty paid of 2 cents, and we imported that year over 26,000,000 pounds. During the past two seasons the foreign crop has been short, but still the price has not advanced materially. The fact that the foreign producer can sell for 2 and 2½ cents per pound, and pay commissions and freight charges out of this, will show how sharp is to be the competition when a good crop is produced abroad. Nothing short of 2½ cents per pound will afford any protection. If the California prune-grower is forced to yield the trade to her foreign competitor, and go out of the business of growing prunes, the foreign producer will inevitably raise his price and the consumer will lose much more than by paying the small additional duty asked, if he prefers the foreign article.

7. *The Fig Industry*.—In 1883, the duty was 2 cents per pound on figs, and 2½ cents by the Act of 1890. The Mills bill put them on the free list, and the Wilson Act placed the duty at 1½ cents. Nothing could be more illogical than to put figs upon the free list, even under tariff for revenue only. Figs are not an article of necessity, and the consumption has not much increased in ten years. This fruit is really most wholesome, and should be more widely consumed, and will be when our plantings are in full bearing. We recommend a duty of 3 cents per pound.

8. *Confits, Sweetmeats, Preserved Fruits, Etc.*—Under the general heading above, all parties and all laws seem to have regarded the more costly preparations of fruit, such as glacé, candied and preserved varieties, as essential luxuries, and as such, should pay a revenue. The industry in California is developing, and will find a wide and profitable field. The duty was thirty-five per cent ad valorem, under former laws, and is thirty per cent by the Act of 1894. In the nature of these products, a specific duty seems not practicable, but a duty of forty per cent is none too large, and we recommend that rate.

9. *Citrus Fruits—Oranges, Lemons, and Limes*.—The citrus-fruit industry has perhaps contributed more to bring to the notice of the world the wonderful range of California's fruit products than all others combined. In point of acreage planted, rapidity of its development, capital invested, and relation to the Eastern fruit markets, it stands at the head of all our varieties. We have competitors, not only in the eastern, but also in the southern portion of the western hemisphere, and from the islands of the sea. The orange and lemon have passed beyond the class of luxuries and have become a necessity to the American people, and are demanded and consumed in large quantities. The competition with our lemons is very close, and very unfair, because an inferior lemon is put upon the market at low prices, and seriously affects the price of good lemons. Mexico is preparing to enter into strong competition for our orange trade, and will this season send in over eight hundred carloads. Our present orange and lemon duty is not as protective as it should be, and is not as high as it should be, to yield revenue. The rate under the Acts of 1883 and 1890 was 13 cents per cubic foot on box of 1¼ cubic feet, and 25 cents per box of 2½ feet, and 55 cents on box of 5 feet, and twenty per cent ad valorem on each additional cubic foot. Oranges run from 128 to 260 to a box of 134 cubic feet. The average number is about 160 to a box, on which the McKinley bill placed a duty of about 12 cents per hundred, and the Wilson bill 8 cents per hundred. We claim that this duty is so inadequate as offering protection that our country is flooded with grossly inferior fruit, and the business of producing good oranges discouraged. The same may be said of the duty of \$1.50 laid on one thousand oranges in bulk. It is not protective, nor is it sufficient for revenue. We see no reason for these several classifications. The duty should be laid at a uniform rate per cubic foot, regardless of the size of the package, and should not be less than 20 cents per cubic foot, and when in bulk (which are always high-grade and large oranges) should bear not less than \$2.50 per thousand. We further recommend a specific duty of 10 cents per pound on citric acid, and 50 cents per pound on essential oils of oranges and lemons.

WHEREAS, The orchards of California are proving to the country what her gold mines were in the fifties, with the advantage that they have come to stay, and are practically unlimited in possibilities; and

WHEREAS, Nature has decreed California to be the orchard of America, if not of the globe. Here are produced the fruits of every zone. The whole country has the same interest in our success, or should have, that it has in the success and prosperity of other specially favored regions of our marvelous country—as in the South in her cotton, and sugar, and rice, and tobacco; the great West in her corn and wheat; the middle States in their iron and coal; the East in her manufactures. That we can produce in California

every fruit known to the Mediterranean basin, and the hardier fruits of all other climes, should arouse the pride of all Americans and challenge their friendly aid; and

WHEREAS, The more nearly the United States are enabled to produce all articles of human consumption, the more nearly we shall approach the ideal country for human habitation. We desire to furnish to the people of the United States fruits in abundance, and at reasonable prices, such fruits especially as cannot be elsewhere grown in the United States. We ask only such legislation as will enable us to do this; therefore, be it

Resolved, That these resolutions be printed, and duly attested, and a copy be forwarded to each member of the Ways and Means Committee of the House of Representatives, and to each present Senator and Representative in Congress, and to each Senator and Representative of the forthcoming Congress of America.

During the reading of the resolution, Senator Seawell moved that the further reading be dispensed with, and that its consideration be made a special order for Monday next, immediately after the reading of the Journal.

Motion lost.

After the resolution had been read, Senator Langford moved its adoption.

Senator Morehouse moved, as an amendment, that the consideration of the resolution be made a special order for Monday next, immediately after the reading of the Journal.

PETITION.

Pending the putting of the motion, Senator Androus asked and was granted permission to present the following petition, which was read, and, on motion of Senator Voorheis, ordered printed in the Journal:

To the Honorable Members of the State Legislature, assembled at Sacramento, California:

At a mass meeting of the citrus-fruit growers of Southern California, held in the assembly room of the Chamber of Commerce, in the City of Los Angeles, December 25, 1896, it was unanimously resolved to petition your honorable bodies to memorialize Congress to amend our present tariff laws, and increase the import duty on foreign-grown citrus fruits. In all foreign countries where citrus fruits are grown, the price of labor is many times less than it is here. It costs us for freight 45 cents per cubic foot to put our fruit in the Eastern markets. The Mediterranean growers can place theirs there at not more than 15 cents per cubic foot. The difference in freight as between foreign-grown citrus fruit and our own is 30 cents per cubic foot, and, with the difference in cost of production and labor, simple justice demands that we should at least be placed on a footing of equality with the foreign growers.

We therefore beg your honorable bodies to ask Congress to place an import duty on oranges, lemons, limes, and grape-fruit, that will place us upon such an equality.

(Signed:) GEORGE FROST, President,
A. H. CARGILL, Secretary,
E. H. MORGAN,
H. K. PRATT,
J. H. SPIRES,
and 579 others.

The question being on the motion to make the consideration of the resolution a special order for Monday next. The same was put and lost.

The question recurring on the adoption of the resolution. The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—27.

NOES—Senators Brauhart, Doty, Dwyer, Feeney, Hall, Henderson, La Rue, Seawell, and Toner—9.

EXPLANATION OF VOTE.

During the roll call, when Senator Seawell's name was called, he arose and explained his vote, as follows:

I desire to vote "no" on this question, and also desire to explain my vote. This resolution, which is quite voluminous, was only introduced on this day, and only a few

minutes since. It proposes, as a suggestion to Congress, certain tariff duties on classified fruits produced in the State of California. It also contains a reference to existing duties and a statement of the present schedule under existing law that I have not had time to verify, and of which I have made no particular investigation. It is an argument based upon a comparison of the duties under the "Wilson bill" and the duties suggested by a convention of men directly engaged in the production of an article proposed to be protected. It is admitted by two Senators that they are voting for the measure because they are directly and pecuniarily interested in fruit-culture. I think in a deliberative body that a reasonable opportunity to investigate a matter of such importance should not be denied any Senator. Therefore, among other reasons for voting "no," I desire to state that the controlling one in the present instance is a want of information.

Senate Joint Resolution No. 2 was ordered printed and transmitted to the Assembly.

ADJOURNMENT.

On motion of Senator Dickinson, at twelve o'clock M., the Senate adjourned to meet on Monday next.

IN SENATE.

SENATE CHAMBER,
Monday, January 11, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Frisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 8, 1897, the further reading was dispensed with, on motion of Senator Gleaves.

RECESS.

At ten o'clock and eleven minutes A. M., the Senate, on motion of Senator Voorheis, took a recess until eleven o'clock and thirty minutes A. M.

RECONVENED.

At eleven o'clock and thirty minutes A. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RESOLUTIONS.

Senator Shine submitted the following resolution, and moved its adoption :

Resolved, That the Secretary of State be and he is hereby authorized to purchase, and pay for out of the fund for contingent expenses of the Senate, forty-five (45) copies of the Codes of California, and supplements thereto (pocket edition), and deliver the same to the Secretary of the Senate for the use of Senators and Secretary of the Senate, and the Controller is directed to draw his warrant in payment thereof, and the Treasurer is directed to pay the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—34.

NOES—None.

Senator Jones submitted the following, and moved its adoption :

SENATE JOINT RESOLUTION No. 3.

WHEREAS, Under the encouragement given to the beet sugar industry by the McKinley bill, the production of beet sugar in the United States increased from 12,004,838 pounds in 1892 to 45,191,296 pounds in 1894, and the product of California alone from 8,175,438 pounds in 1892 to 35,088,969 pounds in 1894, thereby bringing thousands of dollars into this State, to be distributed among the farmers, merchants, and wage-earners of this commonwealth; and

WHEREAS, A renewal of the bounty or adequate protection for the sugar interests, so that America will produce the sugar she consumes, means the addition of over one hundred million dollars annually to the income of American farmers; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives be earnestly requested to use their best endeavors to have adequate protection to the sugar interests inserted in the new tariff bill now being prepared, and that the Secretary of the Senate be and is hereby instructed to transmit to our Senators, Representatives, and Representatives-elect a copy of these resolutions.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—Senators Braunhart, Doty, Dwyer, Feeney, Hall, La Rue, Prisk, Seawell, and Toner—9.

On motion of Senator Jones, the resolution was ordered immediately transmitted to the Assembly.

RESOLUTIONS.

Senator Mahoney submitted the following resolution, and moved its adoption :

Resolved, That on the first day of introduction of bills the Secretary shall call the roll, and as each Senator's name is called he be permitted to introduce his bills.

Resolution adopted.

Senator Voorheis submitted the following, and moved its adoption :

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That the two houses meet in joint convention in the Assembly Chamber at twelve o'clock m., Wednesday, February 3, 1897, for the purpose of electing five trustees of the State Library, to fill the vacancies which will occur by the expiration of the terms of W. S. Green, E. E. Leake, M. Gardner, F. T. Baldwin, and Peter J. Shields.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—33.

NOES—None.

On motion of Senator Voorheis, Senate Concurrent Resolution No. 1 was ordered immediately transmitted to the Assembly.

Senator Bert submitted the following resolution, and moved its adoption:

Resolved, That the members of the Senate be assigned to the standing committees of the Senate, as follows:

STANDING COMMITTEES OF THE SENATE.

Agriculture, Horticulture, Viniculture, and Viticulture—Senators Shippee (Chairman), Androus, Beard, Shine, Linder, Luchsinger, Jones, Langford, La Rue, Doty.

Attachés, Contingent Expenses, and Mileage—Senators Holloway (Chairman), Withington, Trout, Feeney, Hall.

Banks and Banking—Senators Franck (Chairman), Denison, Bert, Gillette, Langford, Henderson, La Rue.

City, City and County, and Town Governments—Senators Gillette (Chairman), Bert, Holloway, Bulla, Morehouse, Stratton, Feeney, Prisk, Dwyer.

Claims, Retrenchment, and Public Expenditures—Senators Bulla (Chairman), Androus, Smith, Denison, Langford, Hall, Doty.

Commerce, Harbors, Rivers, and Coast Defenses—Senators Gleaves (Chairman), Mahoney, Denison, Simpson, Aram, Gillette, Luchsinger, La Rue, Braunhart.

Constitutional Amendments—Senators Bert (Chairman), Bulla, Voorheis, Henderson, Braunhart.

Corporations—Senators Dickinson (Chairman), Mahoney, Simpson, Aram, Beard, Shippee, Smith, Wolfe, Seawell, Henderson, Braunhart.

Counties and County Boundaries—Senators Linder (Chairman), Mahoney, Simpson, Boyce, Trout, Gillette, Toner, Doty, Hall.

County Government and Township Organization—Senators Smith (Chairman), Voorheis, Withington, Shine, Stratton, Dickinson, Toner, Prisk, Dwyer.

Education and Public Morals—Senators Boyce (Chairman), Pedlar, Mahoney, Morehouse, Trout, Henderson, Langford.

Elections—Senators Stratton (Chairman), Smith, Voorheis, Shippee, Bulla, Seawell, Chapman.

Enrolled and Engrossed Bills—Senators Jones (Chairman), Franck, Toner.

Federal Relations and Immigration—Senators Wolfe (Chairman), Beard, Jones, Feeney, Dwyer.

Finance—Senators Voorheis (Chairman), Linder, Franck, Smith, Wolfe, Luchsinger, Henderson, Langford, La Rue.

Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game—Senators Luchsinger (Chairman), Pedlar, Dickinson, Trout, Chapman, Prisk, Braunhart.

Hospitals, Health, and Quarantine—Senators Aram (Chairman), Pedlar, Franck, Gleaves, Dwyer, Prisk, Feeney.

Irrigation and Water Rights—Senator Androus (Chairman), Mahoney, Aram, Shippee, Linder, Pedlar, Bert, Withington, Langford, Doty, Hall, Chapman, Gleaves.

Judiciary—Senators Simpson (Chairman), Aram, Bert, Withington, Dickinson, Boyce, Bulla, Gillette, Morehouse, Stratton, Wolfe, Seawell.

Labor and Capital—Senators Morehouse (Chairman), Simpson, Bert, Beard, Boyce, Stratton, Seawell, Henderson, Feeney.

Mines, Drainage, and Mining Debris—Senators Shine (Chairman), Voorheis, Gleaves, Boyce, Toner, Prisk, Chapman.

Military Affairs—Senators Pedlar (Chairman), Androus, Dickinson, Trout, Chapman, Hall, Feeney.

Public Buildings other than Prison Buildings—Senators Denison (Chairman), Shine, Morehouse, Voorheis, Androus, Wolfe, Linder, Shippee, Dwyer, Toner, La Rue.

Public Printing and State Library—Senators Trout (Chairman), Androus, Jones, Seawell, Prisk.

Public and Swamp and Overflowed Lands—Senators Aram (Chairman), Gillette, Luchsinger, Langford, Doty.

Roads and Highways—Senators Beard (Chairman), Gleaves, Shine, Holloway, Dickinson, Jones, Langford, Chapman, Braunhart.

State Prisons and Prison Buildings—Senators Mahoney (Chairman), Denison, Gleaves, Holloway, Bulla, Boyce, Doty, Braunhart, La Rue.

Rules and Revision—Senators Withington (Chairman), Dickinson, Seawell.
Executive Communications and Nominations—Senators Wolfe (Chairman), Holloway,
Seawell.

Resolution adopted.

REPORT OF COMMITTEE—ON RULES AND REVISION.

The following report of committee was read:

SENATE CHAMBER, SACRAMENTO, January 7, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision beg leave to report the accompanying as the Standing Rules of the Senate, and recommend that the same be adopted.

WITHINGTON, Chairman.

STANDING RULES OF THE SENATE OF THE STATE OF
CALIFORNIA.

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AMENDMENTS.

- Rule 37. May be laid on the table without prejudice to the bill.
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43. Least sum and shortest time shall be put first.
44. Two thirds of Senators not required to decide question for amendment.
50. No amendment on third reading, but may commit under special instructions.
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57. Rules of Senate shall not be changed without a vote of three fifths, but may be suspended temporarily.
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28. Shall be printed in Journal in full

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48. Must read motion reduced to writing before same is to be debated.
33. Upon notice of reconsideration, not to report bill to Assembly.
54. Must insert in Journal titles of bills.
55. Shall enter proceedings of the Senate in the Journal as concisely as possible.

SERGEANT-AT-ARMS.

6. To bring in absent Senators.
10. To certify for all printed matter.
62. Shall hold office during pleasure of the Senate.
Must attend Senate while in session.
How expenses paid.
Must keep account of pay and mileage of Senators.
Draw checks for Senators, if required.
65. Must have bills on desks one hour before opening of session.

SPECIAL ORDERS.

29. Any subject may be made by two-thirds vote of Senators present.
How placed on file.
When two or more, which shall have precedence.

SESSIONS.

1. Time of meetings.
12. Executive sessions, who shall be present.

VOTING.

29. Special orders to require two thirds of the Senators present.
30. Senator must assign reason for not voting.
51. Members must answer.
No vote after announcement of vote.
Names of Senators to be taken alphabetically.

STANDING RULES OF THE SENATE.

I.—TIME OF MEETING OF SENATE.

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M. Until Monday, January 25, 1897, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by vote of the Senate.

II.—CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the hour stated, and if a quorum be present the Journal of the proceedings of the preceding day shall be submitted for correction and approval, and shall, upon the demand of any Senator, be read in full.

III.—ORDER OF BUSINESS.

1. Roll Call.
2. Prayer by the Chaplain.
3. Approving of the Journal of preceding day.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Assembly.
8. Introduction and First Reading of Bills.
9. Motions, Resolutions, and Notices.
10. Consideration of Daily File.
11. Unfinished Business.
12. Special Orders of the Day.

13. Reports from the Committee on Enrollment and Engrossment shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

IV.—PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

The President pro tem, shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem, shall vote only as any other member of the Senate.

V.—THE DUTIES OF SECRETARY.

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.

2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employes of the Senate, other than the President of the Senate. To certify to and transmit to the Assembly all bills, resolutions, and other papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the Assistant Secretaries and other officers the duties pertaining to their offices.

VI.—ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

VII.—READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

VIII.—SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken shall desire to do so.

IX.—THE SENATORS ENTITLED TO FLOOR.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

X.—PRINTING.

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which such bill is referred, and the balance shall be distributed according to law.

XI.—NUMBER OF COPIES TO BE PRINTED.

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

XII.—EXECUTIVE SESSION.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

XIII.—PRINTING THE DAILY JOURNAL.

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

XIV.—COMMITTEES—WHEN TO REPORT.

All committees of the Senate shall report their action on all bills referred to them before January 25th within ten days, except that all bills referred to them on and after January 25th shall be reported within five days, unless otherwise specially ordered, and when such extension of time is ordered, the Senate shall state the length of time and the Secretary shall make record of the same in a book kept for that purpose.

XV.—BILLS "PASSED ON FILE," PLACED AT FOOT OF FILE.

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate by reason of the absence of the author.

XVI.—STANDING COMMITTEES, QUORUM OF—WHAT CONSTITUTES.

The standing committees shall determine the number of such committees which shall constitute a quorum, provided that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

XVII.—AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

XVIII.—FORM OF PREVIOUS QUESTION—CALL OF SENATE.

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

XIX.—ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

XX.—ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt, by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

XXI.—PRINTING TO BE DONE ONLY ON WRITTEN ORDER.

The Superintendent of State Printing shall not print for the use of the Senate any matter other than that provided for by law, unless upon a written order signed by the Secretary.

XXII.—PETITIONS.

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered on the Journal.

XXIII.—SECRETARY MUST BE NOTIFIED OF APPOINTMENT OF CLERK.

The Chairman of each committee shall notify the Secretary, in writing, of the appointment of the Clerk of committee, giving the name of the appointee and the date of the appointment.

XXIV.—NO RECORDS OR PAPERS TO BE TAKEN FROM DESK.

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a Chairman of a committee; but he shall deliver any bill or paper, to be printed, to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Engrossing or Enrolling Committee, and take their receipt therefor.

XXV.—APPOINTMENT OF COMMITTEES.

All standing committees of the Senate shall be named by the Senate, unless otherwise ordered, and the first named shall be the Chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

XXVI.—ASSEMBLY BILLS TO BE READ FIRST TIME.

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

XXVII.—OATHS AND AFFIRMATIONS.

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator in open Senate, before entering upon his duties.

XXVIII.—RESOLUTIONS.

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments, shall be printed in the Journal in full.

XXIX.—SPECIAL ORDERS.

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day: and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

XXX.—VOTING.

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

XXXI.—RECONSIDERATION.

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of motion to reconsider.

XXXII.—NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

XXXIII.—SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator give notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been ordered transmitted to the Assembly.

XXXIV.—MOTION TO RECONSIDER MAY BE DEBATED.

A Senator, after a notice of motion to reconsider is given, as provided in Rule XXXII, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

XXXV.—REFERENCE OF BILLS TO FINANCE COMMITTEE.

All bills or resolutions appropriating money from any fund within the control of the State, shall be referred to the Committee on Finance before being read the second time.

XXXVI.—STANDING COMMITTEES.

The following standing committees shall be appointed by the Senate:

1. Agriculture, Horticulture, Viniculture, and Viticulture; nine members.
2. Attachés, Contingent Expenses, and Mileage; five members.
3. Banks and Banking; seven members.
4. City, County and Township, and Town Governments; nine members.
5. Claims, Retrenchment, and Public Expenditures; seven members.
6. Commerce, Harbors, Rivers, and Coast Defenses; nine members.
7. Constitutional Amendments; five members.
8. Corporations; eleven members.
9. Counties and County Boundaries; nine members.
10. County Government and Township Organization; nine members.
11. Education and Public Morals; seven members.
12. Elections; seven members.
13. Enrolled and Engrossed Bills; three members.
14. Federal Relations and Immigration; five members.
15. Finance; nine members.
16. Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game; seven members.
17. Hospitals, Health, and Quarantine; seven members.
18. Irrigation and Water Rights; thirteen members.
19. Judiciary; twelve members.
20. Labor and Capital; nine members.
21. Mines, Drainage, and Mining Debris; seven members.
22. Military Affairs; seven members.
23. Public Buildings other than Prison Buildings; eleven members.
24. Public Printing and State Library; five members.
25. Public and Swamp and Overflowed Lands; five members.
26. Roads and Highways; nine members.
27. Rules and Revision; three members.
28. State Prisons and Prison Buildings; nine members.
29. Executive Communications and Nominations; three members.

XXXVII.—AMENDMENTS TO ORIGINAL QUESTION.

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided, except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

XXXVIII.—CLERKSHIPS OF COMMITTEES.

The Chairman of each committee, excepting the Committee on Executive Communications and Nominations, may appoint a Clerk without permission of the Senate.

XXXIX.—ENGROSSED BILLS TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

XL.—ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on file.

XLI.—AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

XLII.—AMENDMENTS AND SUBSTITUTES MUST BE GERMANE.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

XLIII.—LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

XLIV.—SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

XLV.—LEAVE OF ABSENCE.

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purposes, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

XLVI.—CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

XLVII.—ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence, in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

XLVIII.—MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

XLIX.—SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

L.—FINAL QUESTION ON SECOND READING OF BILL—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

LI.—AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

LII.—INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill, shall rise in his place and address the President, and upon being recognized, shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be

referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

LIII.—THE GENERAL FILE: ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

LIV.—TITLES OF BILLS MUST BE IN JOURNAL.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

LV.—WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL—VOTES ALWAYS ENTERED.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

LVI.—RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

LVII.—CASES NOT PROVIDED FOR, CUSHING TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

LVIII.—SUSPENDING AND CHANGING RULES.

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule LII, relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

LIX.—POWERS AND PREROGATIVES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

LX.—PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance, or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

LXI.—PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any Senator to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

LXII.—SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

LXIII.—MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

LXIV.—DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

LXV.—EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications and Nominations, unless otherwise ordered by the Senate, which motion shall be determined without debate.

LXVI.—PRINTED BILLS, ETC., MUST BE PLACED ON DESKS.

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

LXVII.—COMMITTEE ON RULES AND REVISION.

There shall be a Committee on Rules and Revision, to consist of three members, to whom each bill, before its third reading, shall be referred, and who shall examine and correct for the purpose of avoiding repetitions and unconstitutional provisions, to insure accuracy in the text and references, and consistency with the language of the existing statutes. Such committee shall also report whether the object of the bill can be secured under existing laws. A change in the sense or legal effect and any material change in the construction shall be reported as a recommendation, and not as an amendment.

The question being put, "Shall the proposed rules just read be the Standing Rules of the Senate for the thirty-second session of the Legislature?" the same were declared adopted.

REPORT OF SPECIAL COMMITTEE.

ON SEGREGATION OF GOVERNOR BUDD'S FIRST BIENNIAL MESSAGE AND ITS REFERENCE TO APPROPRIATE COMMITTEES.

SENATE CHAMBER, January —, 1897.

MR. PRESIDENT: We, your committee, to whom was referred, for distribution to appropriate committees, the first biennial message of his Excellency, Governor James H. Budd, to the Legislature of California, have had the same under consideration, and respectfully report as follows:

To the Committee on Finance, we recommend that the following be referred:

1. The reference to State Taxes, on pages fifteen (15) and sixteen (16).
2. The portion on pages seventeen (17) to twenty-one (21), inclusive, relating to Licenses.
3. The portion on pages twenty-four (24) to twenty-six (26), inclusive, referring to the Exhaustion of the General Fund.
4. The portion on pages twenty-seven (27) to thirty (30), inclusive, referring to the University of California.

To the Judiciary Committee we refer:

1. Pages sixteen (16) and seventeen (17), in so far as they relate to the Inheritance Tax.
2. Pages seventy-nine (79) and eighty (80), relating to Mob Law.
3. Pages ninety-nine (99) to one hundred and one (101), inclusive, relating to Appointments by the Governor.

To the Committee on Military Affairs:

Pages ninety-one (91) and ninety-two (92), relating to the National Guard.

To the Committee on Corporations:

Pages twenty-one (21) to twenty-three (23), inclusive, relating to Insurance.

To the Committee on County Government and Township Organization:

Page ninety-three (93) and all of page ninety-four (94) except the last paragraph, relating to County Government.

To the Committee on Claims, Retrenchment, and Public Expenditures:

1. Such parts of pages twenty-six (26) and twenty-seven (27) as refer to Continuing Appropriations.
2. Pages ninety-seven (97) and ninety-eight (98), referring to Coyote Scalp Bounties.

To the Committee on Banks and Banking:

Pages twenty-three (23) and twenty-four (24), relating to Banks and Bank Commissioners.

To the Committee on City, City and County, and Town Governments:

The last paragraph on page ninety-four (94) and so much of page ninety-five (95) as refers to the subject of City Government.

To the Committee on Mines, Drainage, and Mining Debris:

Pages ninety-five (95) and ninety-six (96), relating to Mining.

To the Committee on Education and Public Morals:

Pages thirty (30) and thirty-one (31), relating to Normal Schools.

To the Committee on Constitutional Amendments:

1. Pages thirty-one (31) and thirty-two (32), relating to the Railroad Commission.

2. Pages eighty-five (85) and eighty-six (86), relating to Supreme Court Commissioners.

3. Pages eighty-seven (87) to ninety (90), inclusive, relating to Constitutional Amendments.

To the Committee on Labor and Capital:

1. Pages thirty-three (33), thirty-four (34), and the first half of page thirty-five (35), referring to State Prisons.

2. Page seventy (70), referring to the Labor Commission.

To the Committee on State Prisons:

The last half of page thirty-five (35) and all of pages thirty-six (36) to forty-six (46), inclusive, referring to Our Own Prisons, Pardons, Capital Punishment, and Reform Schools.

To the Committee on Hospitals:

1. All of pages forty-six (46) to sixty-four (64), inclusive, referring to Asylums, Uniform Asylum Law, Glen Ellen, Institute for Deaf, Dumb, and Blind, and Mechanical Home for Adult Blind.

2. Pages seventy (70) to seventy-three (73), relating to Boards of Health.

To the Committee on Public Printing and State Library:

1. Pages sixty-four (64) to sixty-six (66), relating to State Printing Office.

2. Pages eighty-four (84) and eighty-five (85), relating to State Library.

3. Pages ninety (90) and ninety-one (91), relating to Publishing Proposed Constitutional Amendments.

To the Committee on Commerce, Harbors, Rivers, and Coast Defenses:

1. Pages sixty-six (66) to sixty-nine (69), relating to Harbor Commission.

2. Pages ninety-six (96) and ninety-seven (97), referring to Our Rivers.

To the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game:

Pages seventy-three (73) to seventy-six (76), referring to Yosemite Commission and to Fish Commission.

To the Committee on Roads and Highways:

1. Pages seventy-six (76) to seventy-eight (78), relating to Roads.

2. Page eighty-two (82), relating to Lake Tahoe Wagon Road.

To the Committee on Agriculture, Horticulture, Viniculture, and Viticulture:

1. Pages seventy-eight (78) and seventy-nine (79), referring to the Dairy Bureau.

2. Pages eighty (80) to eighty-two (82), referring to the Horticultural Board.

3. Pages eighty-two (82) to eighty-four (84), referring to District Agricultural Societies.

4. Page ninety-eight (98), referring to Viticulture.

We make no recommendation with reference to "Refunding Indebtedness of Pacific Railroads," referred to on page ninety-eight (98) of the message, for the reason that the subject-matter has already been disposed of by the passage of Assembly Joint Resolution No. 6.

PEDLAR,
BULLA,
PRISK,
SEAWELL,
WOLFE,
Special Committee.

The report of committee adopted, and assignment of the Governor's message in accordance with the committee's recommendation ordered, on motion of Senator Pedlar.

MOTION.

On motion of Senator Voorheis, the introduction of bills was proceeded with, in accordance with the resolution offered by Senator Mahoney this day.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, joint resolutions, concurrent resolutions, and constitutional amendments were introduced, read first time, and referred to standing committees of the Senate, as indicated:

By Senator Androus: Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes"; and to repeal an Act, approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 3—An Act entitled an Act to amend an Act entitled "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered respectively Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act, and now maintained by the State of California at Whittier, in the County of Los Angeles, therein, approved March 23, 1893, by amending Sections 4, 6, 9, and 11.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, and State of California, and to make an appropriation therefor.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 5—An Act entitled "An Act to amend Section

1 of an Act entitled an Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 1 of Article XIII, relative to exemption from taxation.

Referred to the Committee on Constitutional Amendments.

By Senator Aram: Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 8—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Referred to the Committee on Judiciary.

By Senator Beard: Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns, in road districts where the population is at least five hundred, and the manner of ascertaining said population.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Bert: Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Referred to the Committee on Corporations.

Also: Senate Bill No. 12—An Act to prescribe conditions upon which certain insurance associations, known as Lloyds, may be admitted to transact insurance business in this State.

Referred to the Committee on Corporations.

Also: Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889, and to amend, also, the amendment to Section 7 of said Act, approved March 31, 1891.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California in San Francisco.

Referred to the Committee on Finance.

Also: Senate Bill No. 17—An Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 18—An Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 19—An Act amending an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Referred to the Committee on County Government and Township Organization.

Also: Senate Bill No. 20—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

Also: Senate Bill No. 21—An Act to appropriate \$5,628 75 as compensation to the "La Voce del Popolo," a newspaper published in the City and County of San Francisco, for having published proposed amendments to the Constitution of the State of California during the year 1894.

Referred to the Committee on Finance.

Also: Senate Bill No. 22—An Act to appropriate \$4,488 42 as compensation to the "Le Franco-Californien," a newspaper published in the City and County of San Francisco, for having published proposed amendments to the Constitution of the State of California, during the year 1894.

Referred to the Committee on Finance.

Also: Senate Bill No. 23—An Act entitled "An Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and providing for an additional department, to be known as Department Number Four,

and the appointment of a suitable person to act as Judge of said court, approved February 23, 1893.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 24—An Act fixing the minimum rate of compensation for labor on public work.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 25—An Act to define the duties and liabilities of employment agents.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 26—An Act to provide for the proper sanitary condition of bakeries, hotels, and public restaurants, and the preservation of the health of the employes therein, and providing for the appointment of a bakehouse inspector.

Referred to the Committee on Labor and Capital.

By Senator Boyce: Senate Bill No. 27—An Act to prevent collusion between employers of labor and employment agents.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties and city and counties, and providing for the duties and execution of the work of such specialist.

Referred to the Committee on Education and Public Morals.

By Senator Braunhart: Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Referred to the Committee on Elections.

Also: Senate Bill No. 30—An Act to reduce the rates of fares on street railroads in cities, cities and counties, and towns, and to require the issuance of commutation tickets for not less than sixty trips at reduced rates.

Referred to the Committee on Corporations.

Also: Senate Bill No. 31—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building, in San Francisco, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 32—An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make and give to the Assessor a statement of his property.

Referred to the Committee on Judiciary.

Also: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California to amend Article XI of the Constitution, by adding thereto a new section, to be known as Section 20, in relation to tax levies by counties and cities and counties.

Referred to the Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the

Constitution of the State, amending Section 9 of Article XIII thereof, relative to the Board of Equalization, providing that said board shall consist of four members, to be elected at large by the electors of the State.

Referred to the Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 5—Relative to revenue and taxation—A resolution to propose to the people of the State of California repealing Section 12 of Article XIII of the Constitution of the State of California, relative to revenue and taxation.

Referred to the Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, relating to revenue and taxation.

Referred to the Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 7—Proposing an amendment to Section 1, Article XIV, of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities, or cities and counties, having a population of one hundred thousand inhabitants and over, or the inhabitants thereof.

Referred to the Committee on Constitutional Amendments.

Also: Senate Joint Resolution No. 4—Relative to the free coinage of silver.

Referred to the Committee on Finance.

By Senator Bulla: Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 34—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 35—An Act entitled an Act to authorize cities and towns owning public parks outside their limits to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities and towns to, into, and through such parks, and to acquire lands for that purpose.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 36—An Act to extend the jurisdiction and authority of cities and towns over parks owned by them, situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 37—An Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns, leading to public parks owned thereby.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 38—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Referred to the Committee on Finance.

Also: Senate Bill No. 39—An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Trans-Mississippi Exposition, to be held in Omaha, in 1898, and to provide for a commission and its expenses, a secretary of such commission, and the compensation of the secretary thereof.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also (by request): Senate Bill No. 40—An Act to regulate the practice of architecture.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 41—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 42—An Act to provide for the adoption of children maintained in any orphan asylum or orphans' home in this State.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 43—An Act to secure the payment of the claims of materialmen, mechanics, or laborers employed by contractors upon State, municipal, or other public work.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 45—An Act to amend Section 60 of Chapter CCXXXIV of the Statutes of California, approved March 24, 1893, and entitled an Act to establish a uniform system of county and township governments.

Referred to the Committee on County Government and Township Organization.

Also (by request): Senate Bill No. 46—An Act entitled an Act to amend Section 883 of an Act entitled "An Act to establish a Code of Civil Procedure, relating to trials by jury in Justices' Courts," approved March 11, 1872.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Referred to the Committee on Judiciary.

By Senator Denison: Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 49—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Dickinson: Senate Bill No. 50—An Act defining the dif-

ferent grades of cheese, and for branding the same, manufactured in the State of California.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 51—An Act making an appropriation for reimbursing the County of Marin for moneys expended by it for the prosecution of crimes committed within the State Prison at San Quentin, and for inquests held over the bodies of convicts who have died within said prison.

Referred to the Committee on Finance.

Also: Senate Bill No. 52—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 54—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Constitutional Amendment No. 8—To propose to the people of the State of California amendments to the Constitution of the State of California, by amending Sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 21, and 23 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

Referred to the Committee on Constitutional Amendments.

By Senator Doty: Senate Bill No. 55—An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest, to prescribe a course of procedure therefor, to indemnify purchasers at such sale, and to direct how the proceeds shall be applied.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 56—An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 57—An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock and the disposition of the revenues derived therefrom.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 58—An Act to appropriate money for the erection of a monument upon the plot of ground belonging to the Sacramento Association of Veterans of the Mexican War, situate in the City Cemetery of Sacramento, and for the improvement of said grounds.

Referred to the Committee on Finance.

Also: Senate Bill No. 59—An Act to pay the claim of Mrs. Sarah H.

Wing against the State of California, and making an appropriation therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

RECESS.

At twelve o'clock and twenty-nine minutes P. M., the Senate, on motion of Senator Simpson, took a recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

The regular order, the introduction and first reading of bills, was resumed, and references made of the same to committees, as indicated:

By Senator Dwyer: Senate Bill No. 60—An Act conferring power upon the governing body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 61—An Act providing for the election of delegates to party conventions, regulating the conduct of such conventions, and prescribing punishments for violation of duties imposed herein.

Referred to the Committee on Elections.

Also: Senate Bill No. 62—An Act amending Section 3245 of the Political Code, relative to labor.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 63—An Act to amend Section 5 of "An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants to acquire or condemn land for a suitable site and erect thereon a suitable building or buildings for municipal purposes," approved March 27, 1895.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor.

Referred to the Committee on Hospitals, Health, and Quarantine.

Also: Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Feeney: Senate Bill No. 66—An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the port of San Francisco.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Flint: Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estates and discharge of executors and administrators.

Referred to the Committee on Judiciary.

By Senator Gleaves: Senate Bill No. 68—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Hall: Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 70—An Act to provide for the employment of citizens of the United States upon public works within this State.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 71—An Act to enforce the prompt payment of the wages of laborers in lawful money of the United States of America.

Referred to the Committee on Labor and Capital.

By Senator Henderson: Senate Bill No. 72—An Act to provide for the remission of costs in Justices' Courts in actions to recover for personal services.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 74—An Act to protect citizens in their civil rights.

Referred to the Committee on Labor and Capital.

By Senator Holloway: Senate Bill No. 75—An Act to amend subdivision 9 of Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 76—An Act providing for the dissolution of certain corporations doing a banking business.

Referred to the Committee on Banks and Banking.

Also: Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Referred to the Committee on Banks and Banking.

Also: Senate Bill No. 78—An Act to amend Section 1918 of the Civil Code of California, relating to interest.

Referred to the Committee on Banks and Banking.

By Senator Jones (by request): Senate Bill No. 79—An Act relating

to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also (by request): Senate Bill No. 80—An Act to amend Section 1469 of an Act of the Legislature of the State of California, entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 82—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates for the remainder of the forty-eighth fiscal year.

Referred to the Committee on Finance.

Also: Senate Bill No. 83—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates for the forty-ninth and fiftieth fiscal years.

Referred to the Committee on Finance.

Also: Senate Bill No. 84—An Act making an appropriation for furnishing a central building for the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Finance.

Also: Senate Bill No. 85—An Act making an appropriation for the erection of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Finance.

Also: Senate Bill No. 86—An Act making an appropriation for a system of storm drains and improvements of the grounds of the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Finance.

Also: Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates, to double its present capacity.

Referred to the Committee on Finance.

Also: Senate Bill No. 88—An Act making an appropriation for the erection of a central building for the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Finance.

Also: Senate Bill No. 89—An Act making an appropriation for the erection of a dairy-barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Finance.

By Senator Langford: Senate Bill No. 90—An Act for the relief of district agricultural associations.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 91—An Act making an appropriation for the

relief of J. E. Atkinson, for injuries by him sustained while engaged in the service of the State, at the Stockton Insane Asylum.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 92—An Act to provide increased facilities for the detection and punishment of crime.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of the Board of Supervisors in relation thereto.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 94—An Act to amend Section 3491 of the Political Code, relating to the election of trustees of reclamation districts.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Referred to the Committee on Judiciary.

Also: Senate Bill No. 96—An Act to repeal Sections 642 and 643 of the Political Code, relating to the Fish Commissioners.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

Also: Senate Bill No. 97—An Act to amend Section 47 of the Code of Civil Procedure, relating to the place of holding the sessions of the Supreme Court.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 98—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the confinement and performance of labor by prisoners in county jails.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 99—An Act to amend and add a new section to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to prevent able-bodied persons from banding together and obtaining subsistence by alms.

Referred to the Committee on Education and Public Morals.

Also: Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to and providing for the repeal of Sections 22 and 23 of Article XII of the Constitution, relative to a Board of Railroad Commissioners.

Referred to the Committee on Constitutional Amendments.

By Senator La Rue: Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 101—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other

improvements, by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Luchsinger: Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Mahoney: Senate Bill No. 103—An Act relating to keepers of intelligence offices.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 104—An Act prohibiting ring fights, prize fights, glove contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 105—An Act relating to pawnbrokers, companies, and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act.

Referred to the Committee on Education and Public Morals.

By Senator Pedlar: Senate Bill No. 106—An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches and prize or ring fights.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 108—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Prisk: Senate Bill No. 109—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Referred to the Committee on Mines, Drainage, and Mining Debris.

Also: Senate Bill No. 110—An Act to provide for the management and operation of railroads above certain elevations.

Referred to the Committee on Corporations.

By Senator Seawell: Senate Bill No. 111—An Act to amend Section 1093 of the Penal Code, relating to order of trial.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 112—An Act to amend Section 1137 of the Penal Code, relating to papers a jury may take when retiring.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 113—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 114—An Act to amend Section 1127 of the Penal Code, relating to charging the jury.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 115—An Act to amend Section 612 of the Code of Civil Procedure, relating to papers a jury may take when retiring.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 117—An Act concerning the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

Referred to the Committee on Hospitals.

Also: Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold-storage system for said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Referred to the Committee on Finance.

Also: Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building, for the use and occupancy of the officers, employes, and patients of the Mendocino Asylum: to purchase furniture and furnish the building so to be erected by the directors of said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Referred to the Committee on Finance.

Also: Senate Bill No. 120—An Act to legalize certain acknowledgments.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 121—An Act to pay the claim of George A. Sturtevant, for services rendered as District Attorney of Mendocino County in foreclosing certificates of purchase of State school lands, and appropriating money to pay the same.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 122—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663 and 663½, respectively, providing for the setting aside of a judgment of a Superior Court, and the rendition of a new judgment without a new trial.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 123—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 125—“An Act to amend an Act providing for the sale of railroad and other franchises in municipalities, and relative

to granting franchises," approved March 23, 1893, and confirming grants of franchises and privileges heretofore made.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 126—An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial.

Referred to the Committee on Judiciary.

By Senator Simpson: Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and distribution of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 128—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates, or homestead or community property, on owner's death in certain cases.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 129—An Act to amend Section 164 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 130—An Act to amend "An Act to abolish attorneys' fees and other charges in foreclosure suits," approved March 27, 1874.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 131—An Act entitled "An Act to amend Section 3785 of the Political Code of the State of California, relating to the revenue and taxes of the State of California, and providing for the taking of tax deeds by the State, and fixing a limitation as to the time within which deeds may be taken by purchasers other than the State of California.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 132—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 133—An Act entitled "An Act in relation to liens upon real property for expenses incurred by any public board or commission, and prescribing the manner of making said lien effective."

Referred to the Committee on Judiciary.

Also: Senate Bill No. 134—An Act to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Smith: Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

Referred to the Committee on County Government and Township Organization.

Also: Senate Bill No. 137—An Act to amend the Political Code of California, by adding a new section, to be known as Section 2644, relating to road commissioners.

Referred to the Committee on Corporations.

Also (by request): Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing, and maintaining, taking down and returning an exhibit of the products of the State of California at the Tennessee Centennial Exposition, to be held in Nashville in 1897, and to provide for a commission, secretary of commission, and for the pay of the secretary thereof.

Referred to the Committee on Finance.

Also: Senate Bill No. 139—An Act to amend Section 1521 of the Political Code, relating to the State Board of Education.

Referred to the Committee on Education and Public Morals.

By Senator Stratton: Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof, by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

Referred to the Committee on Elections.

Also: Senate Bill No. 141—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 142—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 143—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeal from judgment of Justices' or Police Courts.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 144—An Act to amend Section 939 of the Code of Civil Procedure of the State of California, relating to time within which an appeal may be taken.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 145—An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 146—An Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, approved March 28, 1872, amendatory of Section 25 thereof, relating to the construction of buildings.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 147—An Act to provide additional support and maintenance, and for the acquisition of necessary property and

improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Referred to the Committee on Finance.

Also: Senate Bill No. 148—An Act to amend Sections 739 and 769 of the Political Code, relating to the appointment of phonographic reporters by the Supreme Court.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 149—An Act to amend Sections 379 and 1913 of the Code of Civil Procedure of the State of California, relating to parties defendant to civil actions and the effect of decrees.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 150—An Act to amend Section 1323 of the Code of Civil Procedure of the State of California, relating to the probate of foreign wills.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 151—An Act to prevent trading in political conventions, and providing for penalties therefor.

Referred to the Committee on Elections.

By Senator Voorheis: Senate Bill No. 152—An Act to amend Section 3555 of Article VI of the Political Code of the State of California.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 153—An Act making an appropriation to pay "L'Italia," a newspaper, for publishing proposed amendments to the Constitution of the State of California.

Referred to the Committee on Finance.

By Senator Stratton: Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 7½, Article XI, thereof, providing for the framing by the inhabitants of counties of local county government acts for their own government.

Referred to the Committee on Constitutional Amendments.

By Senator Voorheis: Senate Constitutional Amendment No. 11—Proposed amendment to Section 7 of Article I of the Constitution, relative to juries.

Referred to the Committee on Constitutional Amendments.

By Senator Withington: Senate Bill No. 154—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 156—An Act to establish the Norwegian system of selling intoxicating liquors, other than vinous and malt liquors.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 157—An Act to appropriate the sum of \$300 to pay the claim of A. L. Wood, for the capture of Francisco Torres.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 158—An Act to amend an Act entitled "An

Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by inserting a new section therein relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water.

Referred to the Committee on Irrigation and Water Rights.

Also: Senate Bill No. 159—An Act to provide for the separation of the roads of each county of this State into two classes, and to provide for the levy and collection of sufficient revenue to permanently build and maintain each class of roads under separate management.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 160—An Act to regulate the sale of milk.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 161—An Act to amend Section 798 of the Political Code of the State of California, fixing the fees of notaries public.

Referred to the Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 162—An Act to regulate the salaries of certain officers in the police department of counties, cities, and cities and counties of this State having a population of two hundred thousand or more inhabitants, and to provide for the appointment and salaries of other officers of such department.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 163—An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition, to be held in the City of Guatemala on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Morehouse: Senate Bill No. 164—An Act to amend Section 634 of the Political Code, in relation to insurance, approved April —, 1878.

Referred to the Committee on Corporations.

Also: Senate Bill No. 165—An Act relating to the securities in which corporations organized under the laws of this State, to transact the business of life insurance, may invest their assets.

Referred to the Committee on Corporations.

Also: Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Referred to the Committee on Corporations.

Also: Senate Bill No. 167—An Act to increase the number of Judges

of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 168—An Act to establish and support a department of labor.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 169—An Act to promote the safety of employes and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

Referred to the Committee on Corporations.

By Senator Bulla: Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

Referred to the Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 11, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Joint Resolution No. 1, relative to a protective tariff on the fruits of this State, and presented the same to the Governor on this day, at two o'clock and fifty-five minutes P. M.

JONES, Chairman.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., the Senate, on motion of Senator Bert, adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 12, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNALS.

The Journals of Thursday, January 7, 1897, and Friday, January 8, 1897, were approved.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills and constitutional amendments were introduced, read first time, and referred to committees, as indicated:

By Senator Doty: Senate Bill No. 170—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Bulla (by request): Senate Bill No. 171—An Act to establish a uniform system of primary elections in the State of California, and to repeal Sections 1357 to 1365, both inclusive, of the Political Code of this State, constituting Chapter XIV, of Title II, Part III, of said Code, and to constitute the several sections of this Act as Chapter XIV of said Code, under the head "Primary Election Law."

Referred to the Committee on Elections.

Also (by request): Senate Bill No. 172—An Act to amend an Act entitled "An Act to amend Section 647 of the Penal Code, concerning vagrants," approved March 19, 1891.

Referred to the Committee on Education and Public Morals.

Also (by request): Senate Bill No. 173—An Act to amend Section 1469 of the Penal Code, relating to new trials on appeal from Justices' Courts.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 174—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1430½, relating to trials without a jury in Justices' Courts.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 175—An Act to authorize any city or city and county of this State to take its census.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Morehouse: Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools and employment of teachers of physical culture.

Referred to the Committee on Education and Public Morals.

By Senator Stratton: Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.

Referred to the Committee on Banks and Banking.

Also: Senate Bill No. 178—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as Section 1234.

Referred to the Committee on Corporations.

Also: Senate Bill No. 179—An Act to amend Section 581 of an Act

entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of civil actions.

Referred to the Committee on Judiciary.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 4, Article VI, thereof, relative to appellate jurisdiction of the Supreme Court.

Referred to the Committee on Constitutional Amendments.

By Senator Simpson: Senate Bill No. 180—An Act to amend "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivision of lands into small lots or tracts, for the purpose of sale, and providing a penalty for the selling, or offering for sale, any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Smith: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

Referred to the Committee on Constitutional Amendments.

By Senator Dickinson: Senate Bill No. 181—An Act to provide for the inspection of dried and canned fruits, raisins, and nuts.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories, as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Withington: Senate Bill No. 183—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 184—An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$75,000 therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Braunhart: Senate Bill No. 185—An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco,'" which said amendatory and supplemental Act now amended was approved February 23, 1893, and to fix the term of office of the Judges of said court.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 186—An Act authorizing and empowering the Board of State Harbor Commissioners to grant, exchange, or trans-

fer certain property east of the westerly line of East Street, as delineated and located upon the ground, between Clay Street and Market Street, in the City and County of San Francisco, to or with the owner or owners of certain property on the triangular corner common to Market, Sacramento, and East streets.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

Also: Senate Bill No. 187—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund and San Francisco Depot Fund.

Referred to the Committee on Finance.

Also: Senate Bill No. 188—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 189—An Act to amend Sections 566 and 641 of "An Act entitled an Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 190—An Act to amend Section 1727 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to Public Administrators.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 191—An Act concerning champerty and maintenance, and to punish those guilty thereof.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 192—An Act to amend Sections 1444 and 1445 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 194—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Referred to the Committee on Judiciary.

By Senator Podlar: Senate Bill No. 195—An Act to regulate medical practice, to prevent blindness in infants.

Referred to the Committee on Hospitals, Health, and Quarantine.

By Senator Androus: Senate Bill No. 196—An Act to amend Section 340 of the Penal Code of California, relating to pawnbrokers.

Referred to the Committee on Education and Public Morals.

By Senator Brauhart: Senate Bill No. 197—An Act to amend Sections 237, 245, 246, and 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employes of the Legislature.

Referred to the Committee on Rules and Revision.

By Senator Holloway: Senate Bill No. 198—An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California.

Referred to the Committee on Roads and-Highways.

RESOLUTION.

Senator Simpson offered the following resolution, and moved its adoption:

Resolved, That the Sergeant-at-Arms be instructed to procure all necessary furniture for the committee rooms.

Resolution adopted.

MOTION.

Senator Withington moved that Assembly messages be taken up and considered.

So ordered.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

The following message from the Assembly was read:

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 12th day of January, passed the following:

Assembly Bill No. 152—An Act to amend Section 529 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public printing.

Also: Adopted Senate Joint Resolution No. 3, relative to protection of beet-sugar industry.

Also: Amended, and adopted as amended, Senate Concurrent Resolution No. 1, relative to joint convention for the election of State Library Trustees.

S. J. DUCKWORTH, Chief Clerk.

FIRST READING OF BILL.

Assembly Bill No. 152 read first time.

RESOLUTION—(OUT OF ORDER).

Senator Withington offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 152 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—37.

NOES—None.

CASE OF URGENCY—SECOND AND THIRD READINGS OF BILL.

Assembly Bill No. 152—An Act to amend Section 529 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public printing.

Bill read second and third times, and finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunnhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered immediately transmitted to the Assembly.

MOTION.

Senator Voorheis moved that the consideration of Senate Concurrent Resolution No. 1, as amended by the Assembly, be made a special order for to-morrow, immediately after the prayer by the Chaplain.

So ordered.

RESOLUTION.

At ten o'clock and forty-five minutes A. M., Senator Voorheis offered the following resolution:

Resolved, That the regular time for adjournment this day be continued until the proceedings in relation to the balloting for United States Senator be concluded.

Resolution declared unanimously adopted.

RECESS.

At ten o'clock and forty-six minutes A. M., the Senate was, on motion of Senator Dickinson, declared at recess until eleven o'clock and fifty-five minutes A. M., this day.

RECONVENED.

At eleven o'clock and fifty-five minutes A. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunnhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

CONCURRENT RESOLUTION.

Senator Withington offered the following, and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 2.

Resolved by the Senate, the Assembly concurring, That the Secretary of State be requested to employ such additional assistance as shall be required to properly look after the lighting and heating of the Capitol building during the session of the Legislature, and the sum of six hundred dollars is hereby appropriated out of the Contingent Funds of the Senate and Assembly—three hundred dollars from the Contingent Fund of the Senate, and three hundred dollars from the Contingent Fund of the Assembly—with which to pay said additional assistance. The Controller is hereby directed to draw his warrant for said amounts, and the Treasurer is directed to pay the same.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—39.

NOES—None.

MOTION.

On motion of Senator Withington, the resolution was ordered immediately transmitted to the Assembly.

RESOLUTION.

At twelve o'clock M., Senator Dickinson offered the following resolution, and moved its adoption:

WHEREAS, The term of the Hon. George C. Perkins, United States Senator in Congress from the State of California, elected on January 23, A. D. 1895, to fill the unexpired term of Hon. Leland Stanford, will expire on the 4th day of March, A. D. 1897; and

WHEREAS, His successor, whose term shall commence on said 4th day of March, A. D. 1897, must be now chosen; therefore, be it

Resolved, That the Senate do now proceed to name, by viva voce vote, a person for Senator in Congress from the State of California, for the term of six years, commencing March 4, 1897, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, A. D. 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, A. D. 1873," approved January 22, 1874.

Resolution adopted.

CALL OF THE SENATE.

At twelve o'clock and two minutes P. M., Senator Dickinson moved a call of the Senate.

So ordered.

The roll was thereupon called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Full number of Senators (forty) present.

There being no objection, the President pro tem. declared further proceedings under the call of the Senate dispensed with.

The Secretary of the Senate, by direction of the President pro tem., then read the following Act of Congress:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either house

has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

NOMINATIONS FOR UNITED STATES SENATOR.

The President pro tem. announced nominations for United States Senator in order.

Senator Stratton nominated the Hon. George C. Perkins, incumbent.

Senator Bulla seconded the nomination of the Hon. George C. Perkins.

Senator Dickinson seconded the nomination of the Hon. George C. Perkins.

Senator Gillette seconded the nomination of the Hon. George C. Perkins.

Senator Morehouse stated that he had intended this day to place in nomination for United States Senator the Hon. Samuel M. Shortridge, but would delay such nomination for two years, and took pleasure in announcing that he seconded the nomination and pledged the Santa Clara delegation to vote this day for the Hon. George C. Perkins.

Senator Smith seconded the nomination of the Hon. George C. Perkins.

MOTION.

Senator Dickinson moved that nominations be closed, and that the roll call for the election of United States Senator be proceeded with.

Motion carried.

Whereupon, the President declared nominations closed, and directed the Secretary to call the roll of the Senate, and that, in accordance with the provisions of the Act of Congress just read, each Senator announce the name of the person for whom he votes, as his name is called.

The roll was thereupon called, with the following result:

For George C. Perkins—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

For J. J. Dwyer—Senators Braunhart and Dwyer.

For W. W. Foote—Senators Chapman, Doty, Henderson, La Rue, Prisk, and Seawell.

For B. F. Langford—Senators Feeney, Hall, and Toner.

For Charles D. Lane—Senator Langford.

For Daniel M. Burns—Senator Mahoney.

Whole number of votes cast	40
Necessary to a choice	21
George C. Perkins received	27 votes.
J. J. Dwyer received	2 votes.
W. W. Foote received	6 votes.
B. F. Langford received	3 votes.
Charles D. Lane received	1 vote.
Daniel M. Burns received	1 vote.

Whereupon, the President pro tem. announced that Hon. George C. Perkins had received a majority of all the votes cast for United States Senator, and declared him the choice of the Senate for the term of six years, commencing with March 4, 1897, to succeed himself in that office, and directed that the fact be entered in the Journal.

RESOLUTION.

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the Assembly Chamber to-morrow, Wednesday, January 13, 1897, at twelve o'clock meridian, in Joint Assembly, for the purpose of electing, or declaring the election of, a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

The question being on the motion of Senator Dickinson. The resolution was adopted.

RECESS.

At twelve o'clock and forty-five minutes P. M., the President pro tem., on motion of Senator Dickinson, declared a recess until one o'clock P. M.

RECONVENED.

At one o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RECESS.

There appearing to be no immediate business for the Senate to transact, and there being no objection, the President pro tem. declared the Senate at recess until reconvened by call of the Chair.

RECONVENED.

At one o'clock and fifty-one minutes P. M., the Senate, on call of the chair, reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

MOTION.

Senator Voorheis moved that Assembly messages be taken up and read.

So ordered.

MESSAGE FROM THE ASSEMBLY.

The following message was read

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That the Chief Clerk forthwith inform the Senate of the vote for United States Senator in this Assembly; and

Whereas, It appears by message of the Senate that on the 12th day of January, A. D. 1897, proceedings were had for the election of a United States Senator in Congress, in conformity to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866 and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874, and it appearing that George C. Perkins received a majority of the votes cast; and

Whereas, Similar proceedings were had in the Assembly on said 12th day of January, A. D. 1897, and a majority of said vote of the Assembly was cast for George C. Perkins; now, therefore, be it

Resolved, That the Senate and Assembly meet in Joint Assembly on the 13th day of January, A. D. 1897, at twelve o'clock noon of said day, to declare the said election of said George C. Perkins Senator in Congress for the term of six years commencing on the 4th day of March, A. D. 1897.

Pursuant to the above resolution, I hereby certify that the Assembly has this day voted for a person for United States Senator in Congress from California for the term of six years, commencing March 4, 1897, with the following result:

Whole number of votes cast	79
Necessary for a choice	40
George C. Perkins received	47 votes
James C. Maguire received	10 votes
F. A. Carter received	11 votes
W. W. Fiske received	3 votes
J. J. Pwyer received	8 votes

S. J. DUCKWORTH, Chief Clerk.

RESOLUTION.

Senator Mahoney offered the following resolution, and moved its adoption:

Resolved, That the Secretary of State be and he is hereby authorized to furnish to the Lieutenant-Governor, the Secretary of the Senate and to each Senator one copy of the Index to the Codes and Statutes of the State of California.

Resolution adopted.

ADJOURNMENT.

At two o'clock and one minute P. M., the Senate, on motion of Senator Dickinson, adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 13, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

There being no objection, the Journal of Monday, January 11, 1897, was declared approved.

RE-REFERENCE OF BILL.

Senator Dwyer asked unanimous consent for the temporary withdrawal of Senate Bill No. 60—"An Act conferring power upon the governing body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor"—from the Committee on City, City and County, and Town Governments, and its reference to the San Francisco Delegation.

There being no objection, Senate Bill No. 60 was ordered withdrawn, and referred as requested.

SPECIAL ORDER.

The consideration of Senate Concurrent Resolution No. 1, as amended by the Assembly, having been made a special order for this hour, it was read, as follows:

SENATE CONCURRENT RESOLUTION No. 1.

Relative to joint convention for the election of State Library Trustees.

Resolved by the Senate, the Assembly concurring, That the two houses meet in joint convention in the Assembly Chamber at twelve o'clock M., Wednesday, February 3, 1897, for the purpose of electing five Trustees of the State Library, to fill the vacancies which will occur by the expiration of the terms of W. S. Green, E. E. Leake, M. Gardner, F. T. Baldwin, and Peter J. Shields.

ASSEMBLY AMENDMENT.

The following is the Assembly amendment thereto: "Strike out the words and figures 'Wednesday, February 3, 1897,' and insert in lieu thereof the words and figures 'Thursday, January 21, 1897.'"

MOTION.

Senator Voorheis moved that the Senate do not concur in the Assembly amendment to Senate Concurrent Resolution No. 1, and that the Assembly be respectfully asked to recede from its amendment.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—38.

NOES—None.

The Secretary was directed to forthwith inform the Assembly of the action just taken.

COMMUNICATION.

Senator Voorheis submitted the following, which was ordered read and printed in the Journal:

OFFICE OF STATE BOARD OF EXAMINERS, }
SACRAMENTO, January 12, 1897. }

Resolved, That the Chairman of the Finance Committee of the Senate and the Chairman of the Ways and Means Committee of the Assembly be and they are hereby respectfully requested to introduce bills for the claims which have been approved by the State Board of Examiners.

I hereby certify that the foregoing is a full copy of a resolution passed by the State Board of Examiners, January 12, 1897.

Respectfully,

JOHN MARKLEY,
Secretary State Board of Examiners.

INTRODUCTION AND FIRST READING OF BILLS AND JOINT RESOLUTIONS.

The following bills and joint resolutions were introduced, read first time, and referred to committees, as indicated:

Senator Voorheis here stated that he introduced Senate Bills Nos. 199 to 245, inclusive, at the request of the State Board of Examiners.

By Senator Voorheis: Senate Bill No. 199—An Act making an appropriation to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 200—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 201—An Act making an appropriation to pay the claim of James McClatchy & Company, publishers of the Bee, for advertising the constitutional amendments.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 202—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 203—An Act making an appropriation to pay

the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 204—An Act making an appropriation to pay the claim of the Daily Report Publishing Company, for advertising the constitutional amendments.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 206—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 207—An Act making an appropriation to pay the claim of George A. Sturtevant, for costs of suits in foreclosing delinquent purchasers of State school lands.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 208—An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 209—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 210—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 211—An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners, from February 15, 1891, to March 21, 1891.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 212—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 213—An Act making an appropriation to pay the claims of C. E. Cunningham and W. C. Rodgers, for services as elevator attendants, in the State Capitol building.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 214—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 215—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 216—An Act making an appropriation to pay the claims of the State Board of Health, for traveling expenses.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 217—An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan for attempted highway robbery.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 218—An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel McGuire for attempted highway robbery.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 219—An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 220—An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall for attempted highway robbery.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 221—An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 223—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 224—An Act making an appropriation to pay the claim of William Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 225—An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 226—An Act making an appropriation to pay the claim of George E. Lawrence, for services rendered the State of California at the funeral of the late Lieutenant-Governor Millard.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 227—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 228—An Act making an appropriation to pay the deficiency in the appropriation "to provide for the erection and operation of rock-crushing plants at the State prisons," etc.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 229—An Act making an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for Insane and Inebriates, for the forty-seventh fiscal year.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 230—An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1889, page 7.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 231—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 232—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the forty-sixth fiscal year.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 233—An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 234—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy in conveying children to Whittier.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 235—An Act making an appropriation to pay

the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker, for arrest and conviction of Ed Ward.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 236—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 237—An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations for the forty-sixth fiscal year.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 238—An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 239—An Act making an appropriation to pay the claim of the Examiner for advertising the constitutional amendments.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 240—An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 241—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture, etc.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 242—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 243—An Act making an appropriation to pay the deficiency in the appropriation for care of State Burial Grounds, for services rendered by W. C. Farnsworth.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 244—An Act making an appropriation to pay the claim of Sarah H. Wing, for the killing of her husband, O. H. Wing.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 245—An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State

Board of Railroad Commissioners, for services rendered by Frank H. Lombard.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 246—An Act to amend paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty.

Referred to the Committee on Judiciary.

By Senator Chapman: Senate Bill No. 247—An Act for the relief of John Mullan, and to appropriate money therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Linder: Senate Bill No. 248—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Stratton: Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees, an expense payable as an expense of administration.

Referred to the Committee on Judiciary.

By Senator Androus: Senate Bill No. 250—An Act to amend an Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, relating to fees to be paid County Clerks.

Referred to the Committee on County Government and Township Organization.

By Senator Dwyer: Senate Bill No. 251—An Act fixing the minimum rate of compensation for labor on public work.

Referred to the Committee on Labor and Capital.

By Senator Dickinson: Senate Bill No. 252—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 253—An Act to add a new section to the Penal Code, to be known as Section 367 thereof, relating to dealing in convict-made goods.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 254—An Act entitled "An Act to prevent the manufacture in penal institutions of other goods than jute bags, and broken stone for roads and highways, and of materials consumed in the State penal institutions."

Referred to the Committee on State Prisons and Prison Buildings.

By Senator Beard: Senate Bill No. 255—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

Referred to the Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 256—An Act to provide for

the giving of bonds by the keeper of intelligence offices, defining the same, and their liabilities.

Referred to the Committee on Labor and Capital.

By Senator Braunhart: Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California', approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Referred to the Committee on Judiciary.

By Senator Holloway: Senate Bill No. 258—An Act to appropriate \$5,000 for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects.

Referred to the Committee on Finance.

Also: Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

Referred to the Committee on Finance.

By Senator Simpson: Senate Bill No. 260—An Act to provide for the purchase of a portrait of ex-Governor John McDougal, by the State Board of Examiners, and to appropriate money therefor.

Referred to the Committee on Finance.

Also: Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

Referred to the Committee on Finance.

By Senator Mahoney: Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 263—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices' Courts.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 264—An Act to amend an Act entitled "An Act amendatory and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, and providing for the appointment of a prosecuting attorney for said court.

Referred to the San Francisco Delegation.

By Senator Dickinson: Senate Bill No. 265—An Act entitled "An Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employes by the San Francisco Board of Health."

Referred to the Committee on Hospitals.

By Senator Luchsinger: Senate Joint Resolution No. 5—Relative to dredging channel from San Pablo Bay to Mare Island.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Dickinson: Senate Joint Resolution No. 6—Relative to the establishment of a national leper asylum by the Government of the United States.

Referred to the Committee on Hospitals.

RESOLUTIONS.

Senator Simpson introduced the following resolution, and moved its adoption:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to purchase five dozen Shannon files for the use of the several Senate committees.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

Senator Pedlar offered the following resolution, and moved its adoption:

Resolved, That the following named persons be and they are hereby elected attachés of the Senate, to serve in the respective positions and at the per diem herein specified:

A. C. Kaerth, Messenger to Committee on Swamp and Overflowed Lands, at a per diem of \$3.

Frank McQuaid, Assistant Sergeant-at-Arms, at a per diem of \$6.

E. Cowan, Messenger, at a per diem of \$2 50.

F. M. Babcock, Stenographer to Committee on Finance, at a per diem of \$8.

A. S. Longley, Clerk to Judiciary Committee, at a per diem of \$8.

The per diem of said attachés shall be paid out of the fund provided for contingent expenses of the Senate, in same manner as statutory officers of Senate are paid.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—26.

NOES—Senators Braunhart, Chapman, Doty, La Rue, Prisk, and Seawell—6.

COMMUNICATIONS.

The following communications, received by the Secretary, were read, and ordered printed in the Journal:

COMMITTEE ON COMMERCE, UNITED STATES SENATE, }
WASHINGTON, D. C., January 8, 1897. }

F. J. BRANDON, Esq., *Secretary Senate, Sacramento, California*:

DEAR SIR: I have just received a copy of Senate Joint Resolution No. 1, certified to by you as Secretary of the Senate and S. J. Duckworth as Chief Clerk of the House. Also, Assembly Joint Resolution No. 6.

Yours truly,

STEPHEN M. WHITE.

UNITED STATES SENATE, WASHINGTON, D. C., January 7, 1897.

F. J. BRANDON, Esq., *Secretary*, and S. J. DUCKWORTH, Esq., *Chief Clerk, Senate Chamber, Sacramento, California*:

GENTLEMEN: I am in receipt of your telegram of January 6th, transmitting Senate Joint Resolution No. 1, relating to the protection of the fruit interests of California in the tariff bill now being formulated, and instructing the Senators of California to use every means in their power to secure the incorporation of such import duties as will secure to California producers the control of the home market and a reasonable price for their products.

This is one of the principal objects which I have always had in view since my election to the United States Senate, and until the necessary protection of California products is secured I shall not remit my efforts in this direction. The California delegation has

presented to the Committee on Ways and Means the case of the California fruit-growers, and I have personally presented the memorial of the convention of fruit-growers of California, held at Sacramento, December 2, 1896. I have also laid before the committee the needs of the growers of citrus fruits, as expressed by the California Citrus Tariff Commission, and the demands of the raisin-growers of the State. I fully realize that the prosperity of the State depends in a very great degree upon its fruit interests, and I can therefore most gladly follow the instructions which I have received from the California Legislature in the joint resolution transmitted in your telegram.

Yours truly,

GEORGE C. PERKINS.

PAPERS REFERRED.

The President pro tem. ordered that all papers heretofore received relating to the contests of election of members of the Senate be referred to the Committee on Elections.

MOTION.

On motion of Senator Voorheis, the hour of adjournment for this day was continued until after the Joint Assembly for the election of United States Senator had adjourned, and that the adjournment be by motion.

RECESS.

At eleven o'clock and three minutes A. M., the Senate was declared at recess until eleven o'clock and fifty minutes A. M., on motion of Senator Bert.

RECONVENED.

At eleven o'clock and fifty minutes A. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. declared a recess for the purpose of the Senate meeting in Joint Assembly with the Assembly in the latter's chamber, for the purpose of electing a United States Senator.

The Senators and necessary officers of the Senate thereupon fell in line and forthwith proceeded to the Assembly Chamber.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 13, 1897. }

The hour of twelve o'clock meridian having arrived, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and Assembly then went into joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner for holding elections

for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, A. D. 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in conjunction with the Hon. Frank L. Coombs, Speaker of the Assembly, presiding.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll of the Assembly was called, and the following members answered to their names:

Messrs. Aldridge, Allen, Anderson, Arnerich, Austin, Belshaw, Bettman, Boone, Breiling, Bridgford, Burnett, Burnham, Caminetti, Canavan, Cartwright, Chynoweth, Clarke, Cross, Cutter, Damon, Denery, Dibble, Dolan, Dryden, Elliott, Emmons, Ennis, Fontana, Foreman, Gately, Godfrey, Goff, Goodhue, Guy, Harris, Henry, Hill, Houghton, Hudson, Jones, Keables, Keegan, Keily, Kenyon, Lacy, Landsborough, Leavitt, Lindenberger, Mahoney, Malcolm, Mead, Melick, Mulcrevy, McCandlish, McClellan, McGrath, McLaurin, North of Alameda, North of Yolo, Pohlman, Power of Placer, Power of San Francisco, Price, Robinson, Rubell, Ryan, Sanford, Sims, Shanahan, Soward, Stansell, Strain, Toland, Treacy, Valentine, Vosburg, Waymire, Wright, and Mr. Speaker.

Quorum of both houses present.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Act of Congress requiring both houses to meet in Joint Assembly this day.

The Secretary of the Senate read as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States, in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house, shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place, as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either house has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President pro tem. of the Senate, then read from the Journal of the Senate so much of the proceedings of yesterday, which was the second Tuesday after the organization of the thirty-second session, as relates to the election of a United States Senator to fill the term commencing March 4, 1897.

Whereby it appears that forty Senators were present and voted each for his choice, and that the

Hon. George C. Perkins received.....	27 votes.
Hon. J. J. Dwyer received.....	2 votes.
Hon. W. W. Foote received.....	6 votes.
Hon. B. F. Langford received	3 votes.
Hon. Charles D. Lane received.....	1 vote.
Hon. Daniel M. Burns received.....	1 vote.

The President pro tem. of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. George C. Perkins had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator, to fill the term commencing March 4, 1897.

The Chief Clerk of the Assembly, by direction of the Speaker of the Assembly, then read from the Journal of the Assembly so much of the proceedings of yesterday, which was the second Tuesday after the organization of the thirty-second session, as relates to the election of a United States Senator to fill the term commencing March 4, 1897.

Whereby it appears that seventy-nine members of the Assembly were present, and voted each for his choice, and that the

Hon. George C. Perkins received.....	47 votes.
Hon. James G. Maguire received.....	10 votes.
Hon. T. V. Cator received.....	11 votes.
Hon. W. W. Foote received.....	3 votes.
Hon. J. J. Dwyer received.....	8 votes.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that Hon. George C. Perkins had received a majority of the votes of the whole House, and declared him the choice of the Assembly for United States Senator to fill the term commencing March 4, 1897.

The President pro tem. of the Senate, Hon. Thomas Flint, Jr., then proclaimed as follows: It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. George C. Perkins has received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. George C. Perkins duly elected United States Senator in the Congress of the United States from the State of California for the term beginning March 4, 1897.

RESOLUTION.

The following resolution was offered by Senator Dickinson, who moved its adoption:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California a copy of the proceedings of this Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1897, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly.

Resolution adopted.

The President pro tem. of the Senate then announced the receipt of a telegraphic communication from Hon. George C. Perkins.

The Secretary of the Senate read as follows:

WASHINGTON, D. C., January 13, 1897.

To HON. W. T. JETER, Lieutenant-Governor, and President of the Joint Legislative Assembly:

Permit me, through you, to express to the Joint Legislative Assembly my most sincere appreciation of the honor conferred upon me by my reelection as one of California's Senators in Congress. This evidence of your confidence is intensified by the fact that your choice was made only eight days after the organization of the Legislature and on the first day that by law you were permitted to vote on this question. The honor conferred is made more distinguished from the further fact that it has been bestowed upon me while separated from my State by three thousand miles, and removed from all possibility of exerting personal influence upon your action. All this increases within me the feeling of responsibility which the high office brings, and strengthens my ambition to work, if possible, with more zeal for the interests of the people who have so often honored me with their confidence. I shall endeavor to act in the future as in the past, as far as in my power lies, in accordance with the principles enunciated by the Republican national platform, and shall ever bear in mind the truth that he who best serves his State best serves his political party.

GEORGE C. PERKINS.

On motion of Mr. Bettman, the communication was ordered printed in the Journal of the Joint Assembly.

The minutes of the Joint Assembly of this day were read and, on motion of Mr. Dibble, approved.

ADJOURNMENT.

At twelve o'clock and thirty-three minutes P. M., on motion of Senator Dickinson, the Joint Assembly stood adjourned.

THOS. FLINT, JR.,
President pro tem. of the Senate.
F. J. BRANDON,
Secretary of the Senate.
F. L. COOMBS,
Speaker of the Assembly.
S. J. DUCKWORTH,
Chief Clerk of the Assembly.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-seven minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Voorheis: Senate Bill No. 266—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Referred to the Committee on Finance.

Also: Senate Bill No. 267—An Act to amend Section 276 of the Code of Civil Procedure, providing for the examination of and admission of applicants to practice as attorneys.

Referred to the Committee on Judiciary.

By Senator Bert: Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 270—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Referred to the Committee on Judiciary.

By Senator Smith: Senate Bill No. 271—An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295 85) to pay the claim of Tribune Printing Company against the State.

Referred to the Committee on Finance.

By Senator Mahoney: Senate Bill No. 272—An Act supplementary to an Act entitled "An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes," approved March 27, 1895.

. Referred to the San Francisco Delegation.

REPORT OF STANDING COMMITTEE.

The following report of the Committee on Enrolled and Engrossed Bills was received and read:

SENATE CHAMBER, SACRAMENTO, January 13, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Joint Resolution No. 3, relative to protection of beet-sugar industry, and presented the same to the Governor on this day at eleven o'clock and twenty minutes A. M.

JONES, Chairman.

ADJOURNMENT.

At twelve o'clock and fifty-two minutes P. M., the Senate, on motion, adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 14, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Shine, on account of sickness, was granted a leave of absence until Monday next, on motion of Senator Pedlar.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

There being no objection, the Journal of Tuesday, January 12, 1897, was declared approved.

INTRODUCTION AND FIRST READING OF BILLS AND CONSTITUTIONAL AMENDMENTS.

The following bills and constitutional amendments were introduced, read first time, and referred to committees, as indicated:

By Senator Voorheis: Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 274—An Act to establish as public schools

technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 275—An Act to amend Section 388 of the Civil Code of the State of California, relative to the sale of a franchise to collect tolls.

Referred to the Committee on Corporations.

Also: Senate Bill No. 276—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Referred to the Committee on Corporations.

By Senator Holloway: Senate Constitutional Amendment No. 14—A resolution proposing to the people of the State an amendment to Section 1 of Article XIII of the Constitution, relative to exemptions from taxation.

Referred to the Committee on Constitutional Amendments.

By Senator Seawell: Senate Bill No. 277—An Act entitled "An Act to amend Section 3819 of the Political Code of the State of California," relating to the payment of taxes under protest.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 278—An Act to amend Section 3817 of the Political Code of the State of California, relating to the redemption of real estate sold for taxes.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 279—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 280—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 281—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water, and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887.

Referred to the Committee on Irrigation and Water Rights.

Also: Senate Bill No. 282—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Referred to the Committee on Judiciary.

Also: Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 1 of Article XIII thereof, relative to revenue and taxation.

Referred to the Committee on Constitutional Amendments.

By Senator Androus: Senate Bill No. 283—An Act to amend Section 321 of the Penal Code of California, relating to lotteries and lottery tickets.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 284—An Act to amend Section 322 of the Penal Code of California, relating to lotteries.

Referred to the Committee on Education and Public Morals.

By Senator Simpson: Senate Bill No. 285—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 79½, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 286—An Act to amend Section 3805 of the Political Code, relating to the revenue and taxes of the State of California, and providing a method for the cancellation of tax sales and deeds in certain cases.

Referred to the Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 287—An Act for the relief of Charles F. Wells, and to appropriate money therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Stratton: Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 289—An Act to change the name of the Industrial Home of Mechanical Trades for the Adult Blind of California to "Home for Adult Blind."

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Morehouse: Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct, and build and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Sixth and Seventh streets in said city.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 291—An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 292—An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses, residing at Evergreen, in the County of Santa Clara, at the Home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

Referred to the Committee on Finance.

Also: Senate Bill No. 293—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'the Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission,

secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Referred to the Committee on Judiciary.

By Senator Withington: Senate Bill No. 294—An Act for the improvement of the harbor of San Diego, and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses incident to securing possession of the tide lands on the Bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Pedlar: Senate Bill No. 295—An Act to amend Section 270 of the Code of Civil Procedure, relative to the qualifications and competency of phonographic reporters of the courts of this State.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 296—An Act to amend Section 170 of the Code of Civil Procedure, relative to the disqualification of Judges, and Justices of the Peace.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 297—An Act to amend the section referring to jurors' fees in "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Referred to the Committee on Judiciary.

By Senator Aram: Senate Bill No. 298—An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Linder: Senate Bill No. 299—An Act relating to telephone and electric light, heat, and power companies.

Referred to the Committee on Corporations.

Also: Senate Bill No. 300—An Act relating to the taxation of telephone and electric light, heat, and power companies.

Referred to the Committee on Corporations.

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 33 of Article IV thereof, relative to the regulation and limitation of the charges for services performed and commodities furnished by telegraph, gas, telephone, and electric light, heat, and power corporations, and the charges by corporations or individuals for storage and wharfage in which there is a public use.

Referred to the Committee on Constitutional Amendments.

By Senator Braunhart: Senate Bill No. 301—An Act requiring street railway companies in any city, city and county, or town of this State to issue package tickets, and providing for the redemption thereof.

Referred to the Committee on Corporations.

By Senator Voorheis (by request of State Board of Examiners):

Senate Bill No. 302—An Act making an appropriation to pay the claim of John F. Kidder, for traveling expenses from August 15, 1893, to December 21, 1896, inclusive.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also (by request of State Board of Examiners): Senate Bill No. 303—An Act making an appropriation to pay the sum fixed, awarded, and allowed by the State Board of Examiners as fees, for services to date, of the additional counsel employed to assist the Attorney-General in the defense of the suit brought, in the United States Circuit Court for the Northern District of California, by the Southern Pacific Company against the Board of Railroad Commissioners of the State of California.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Toner: Senate Bill No. 304—An Act to amend Section 690 of the Code of Civil Procedure, relating to exemptions from execution.

Referred to the Committee on Judiciary.

By Senator Androus: Senate Bill No. 305—An Act removing lands used for Soldiers' Homes from school districts within the State, and designating school facilities for children of school age residing within such territory.

Referred to the Committee on Education and Public Morals.

By Senator Mahoney: Senate Bill No. 306—An Act prohibiting the burial of the dead within the corporate limits of any incorporated city, or city and county, of over one hundred thousand inhabitants, from and after the 1st day of January, A. D. 1900.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 307—An Act making an appropriation to pay the claim of Thomas Hatch.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

RESOLUTIONS.

The following resolution was offered by Senator Denison:

Resolved, That F. J. Brandon, Secretary of the Senate, be allowed the sum of \$25 for the purchase of postage stamps, in mailing resolutions and other documents in accordance to instruction of the Senate, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for said amount and the Treasurer is directed to pay the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Gleaves offered the following resolution:

Resolved, That the following statutory officers be and they are hereby allowed the sums set opposite their respective names for mileage for attendance at the thirty-second session of the Senate, and the Controller is hereby directed to draw his warrant for said amounts, payable out of the fund for the contingent expenses of the Senate, and the Treasurer is hereby directed to pay the same:

L. H. Pedlar, Bookkeeper to Sergeant-at-Arms of the Senate, 180 miles, \$36.

C. R. Mayhew, Engrossing Clerk of the Senate, 135 miles, \$27.

J. H. Dungan, Enrolling Clerk of the Senate, 22 miles, \$4 40.

Theodore A. Simpson, Journal Clerk of the Senate, 488 miles, \$97 60.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Androus offered the following resolution:

WHEREAS, The twenty-ninth session of the Legislature of this State did enact the following:

"SECTION 1. In every department, upon all public works, whether under contract or not, in all offices, employments, places, and positions of trust or profit of this State, honorably discharged ex-Union soldiers, sailors, and marines of the War of the Rebellion must be preferred for appointment, employment, and retention therein, and age, loss of limb, or other physical impairment which does not in fact incapacitate, shall not be deemed to disqualify them; *provided*, they possess the capacity necessary to fill the position; and persons thus preferred or appointed, unless appointed or employed for a definite statutory period, shall not be dismissed from such positions, offices, or employments except upon charges, after a hearing, and for just cause;

"SEC. 2. This Act shall take effect immediately"; and

WHEREAS, Thus far, this session of the Senate, in its several branches, has unintentionally failed to make appointments in conformity with said law; therefore, be it

Resolved, That in the event of there being further appointments made by this house, a fair proportion of any and all said preferments shall be given to honorably discharged ex-Union soldiers and sailors.

Resolution, on motion of Senator Withington, referred to the Committee on Attachés, Contingent Expenses, and Mileage.

ANNOUNCEMENT.

By request of the San Francisco Delegation, the President pro tem. announced that it had elected Senator Mahoney its Chairman and Senator Henderson its Secretary.

ADJOURNMENT.

At ten o'clock and thirty-three minutes A. M., the Senate, on motion of Senator Dickinson, adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 15, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the Chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Feeney was, on motion of Senator Toner, granted a leave of absence for the day.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

There being no objection, the Journal of Wednesday, January 13, 1897, was declared approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were read:

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, January 15, 1897.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Senate Joint Resolution No. 5, relative to dredging channel from San Pablo Bay to Mare Island, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GLEAVES, Chairman.

Senate Joint Resolution No. 5 ordered on file.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have met the Assembly Committee on Rules and Regulations, and report the following as Joint Rules of the Senate and Assembly, and recommend their adoption:

JOINT RULES OF THE SENATE AND ASSEMBLY OF THE
STATE OF CALIFORNIA.

CONTENTS.

ADJOURNMENT.

Rule 50. An adjournment *sine die* made by concurrent resolution.

AMENDMENTS.

10. Must be attached to bill.
- When to indorse "adopted."
27. When concurred in.
26. When either house refuses to concur.

APPROPRIATIONS.

6. None to be made except by bill.

ASSEMBLY.

9. Must not increase pay of officers or attachés.
12. Shall provide Special File.

ASSISTANT SERGEANT-AT-ARMS.

32. Shall announce messages from either house.

BILLS.

2. When passed one house and rejected by other, notice to be given.
3. Rejected, require five days' notice.
5. When disagreement adhered to, shall be lost.
6. No appropriation of money except by.
11. Read and referred to committee not to be substituted.
14. Not to be presented for engrossment unless amended.
15. Mode of introducing and passing bill.
16. After reported from committee.
17. Second reading.
When subject to amendment.
Placed on General File for third reading, in what order.
18. Must be read at length.
20. After passed and reported from committee.
19. When assigned to committee.
45. To be distributed three hours before consideration.
46. When bills are to be reported from committee.

- Rule 39. To be presented to Governor for his approbation.
42. To be read at length on third reading.
48. Not to be introduced after fiftieth day.
Shall not be presented to Governor after certain date.

CLERK.

47. Shall publish daily Legislative Bulletin.

COMMITTEES.

29. On conference; when appointed. To report result.
30. Free conference committee, when appointed, to consist of six members.
31. Report of conference committee.
47. Must report bills within five days.

CONFERENCE AND FREE CONFERENCE COMMITTEE.

28. When conference committee, appointed.
29. To confer upon differences between two houses.
30. Free conference to be appointed if conference fail to agree.
Free conference report shall be final. May suggest amendments.
31. Committee on conference report always in order, except when.

CONTESTS.

13. Fees allowed for contested seats.

ENGROSSING.

14. Bills not to be printed unless amended.

*ENROLLMENT.

25. When bills are ordered to enrollment.
35. Duties of Enrolling Clerk, shall present for signatures.
36. Committee on, shall reexamine bills and correct errors, if any.
38. Committee to present bill to Governor.
Shall report day bill presented to Governor.

EXTRA PAY.

9. Not to be made to officers or attachés.

GENERAL FILE.

20. When bill shall be placed on.
40. What shall constitute.

GOVERNOR.

1. Joint addresses from Senate and Assembly, how presented.

HISTORY OF BILLS, ETC.

41. Shall be printed daily by Senate and Assembly.
Form to be prescribed.

JOINT ADDRESSES.

1. To Governor; shall be presented in Governor's audience chamber; by whom.

JOINT AND CONCURRENT RESOLUTIONS.

7. Defining joint resolutions; defining concurrent resolutions.
8. Shall be treated as bills, except to be read but once.

JOINT RULES.

52. Requires vote of two thirds in each house to dispense.
Violations of.
President or Speaker may direct sections in conflict to be marked.

LEGISLATIVE BULLETIN.

47. Shall be published daily.
What contents shall be.
To be posted conspicuously.

PRESIDENT OF THE SENATE.

1. Shall present joint addresses to Governor, in presence of whom.
17. Shall state question.
35. Shall sign all Senate bills.
37. To sign bills.
49. May direct Secretary to mark sections of Joint Rules in conflict.

RESOLUTIONS.

- Rule 2. When passed one house and rejected by other, notice to be given.
5. When disagreement adhered to, shall be lost.
39. To be presented to Governor for his approbation.

SENATE.

4. To transmit bill or resolution.
9. Must not increase pay of officers or attachés.
12. Shall provide Special File.

SECRETARY OF SENATE AND CLERK OF ASSEMBLY.

10. Must indorse amendments when adopted or concurred in.
18. Third reading must be at length.
Shall transmit bill.
22. To attach amendments.
24. To return bills.
To enter in register.
Must mention action taken by Senate or Assembly.
33. Shall send messages.
34. Notices or messages must have signature of.
35. Shall sign all bills.
38. Must enter in Journal date when bills presented to Governor.
43. Shall keep register of bills, etc., and record action taken on same.
44. Must indorse statement of action taken.
47. Shall publish daily Legislative Bulletin.

SPEAKER OF ASSEMBLY.

1. Shall be present on delivery of joint addresses to Governor.
17. Shall state question.
35. Shall sign all Assembly bills.
37. To sign bills.
49. May direct Clerk to mark sections of Joint Rules in conflict.

SPECIAL FILE.

12. Senate and Assembly shall provide Special File.

JOINT RULES OF SENATE AND ASSEMBLY.

I.—JOINT ADDRESSES TO GOVERNOR.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both houses.

II.—BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

When a bill or resolution, which shall have passed one house, is rejected by the other, notice thereof shall be given to the house in which the same shall have passed.

III.—REJECTED BILLS REQUIRE FIVE DAYS' NOTICE AND TWO-THIRDS VOTE FOR REINTRODUCTION.

When a bill or resolution, which has been passed in one house, shall be rejected in the other, it shall not be brought in during the same session, without notice of five days, and leave of two thirds of that house in which it shall be renewed.

IV.—EACH HOUSE TO TRANSMIT PAPERS.

Each house shall transmit to the other papers on which any bill or resolution shall be founded.

V.—DISAGREEMENT, ADHERED TO, DEFEATS THE BILL.

After each house shall have once adhered to their disagreement a bill or resolution shall be lost.

VI.—NO APPROPRIATION EXCEPT BY BILL.

No appropriation of money, for any purpose whatever, shall be made except by bill.

VII.—JOINT AND CONCURRENT RESOLUTIONS.

Joint resolutions are those which relate to a certain communication to the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

VIII.—JOINT RESOLUTIONS TREATED AS BILLS.

All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

IX.—UNANIMOUS CONSENT FOR EXTRA PAY.

No extra pay or increase in the pay of any officer or attaché of the Senate or Assembly shall be made, nor shall there be any additional attachés other than those provided for by statute, unless by four-fifths vote.

X.—AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

XI.—BILLS READ AND REFERRED TO COMMITTEE—NO SUBMISSION WITHOUT THREE-FOURTHS VOTE.

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee. But no substitution of either a Senate or an Assembly bill shall be made without leave first obtained by a three-fourths vote of the house in which such consideration is had.

XII.—SPECIAL FILE.

After the 23d day of January, 1897, the Senate and Assembly shall adopt and provide a Special File, upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such Special File shall be taken up at two o'clock P. M. of each day, and be considered one hour and a half after being so taken up.

XIII.—FEES ALLOWED IN CASES OF CONTEST.

Whenever, in the Senate or Assembly, a contest is made for the seat of any Senator or Assemblyman, no more than \$200 shall be allowed as counsel fees for the sitting member and \$100 for the contesting member, regardless of who is seated.

XIV.—BILLS NOT TO BE PRINTED FOR ENGROSSMENT UNLESS AMENDED.

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

XV.—MODE OF INTRODUCING AND PASSING A BILL IN EITHER THE SENATE OR ASSEMBLY.

A bill shall be presented in the following manner:

When a senator or member of the Assembly desires to introduce a bill for consideration, he shall rise in his place and address the President of the Senate (if a Senator) or the Speaker of the Assembly (if a member of the Assembly), and if recognized by the presiding officer shall state his desire. The bill shall then be sent to the Secretary of the Senate (if a Senate bill) or Clerk of the Assembly (if an Assembly bill), who shall number and read same, which shall be the "first reading of the bill." The President of the Senate or Speaker of the Assembly shall then assign the bill to its proper committee. The Secretary of the Senate or Clerk of the Assembly shall, after making the proper indorsements thereon, and within a reasonable time thereafter, deliver the bill to the Chairman of the committee to which such bill has been assigned.

XVI.—AFTER BILL IS REPORTED FROM COMMITTEE.

Upon the report of the bill from the committee to the Senate or Assembly, it shall be placed upon the General File for the following day and in its regular order for second reading, unless otherwise ordered by the Senate or Assembly. (See rule for bills reported unfavorably.)

XVII.—SECOND READING OF BILLS.

Upon the second reading of a bill the question shall be: "Shall the bill be read a second time?" and if so ordered (and it be a Senate bill) then the Secretary of the Senate or (if an Assembly bill) the Clerk of the Assembly shall read the bill by sections, and as each section is read, the President of the Senate or Speaker of the Assembly shall state the question: "Are there any amendments to this section?" at which time any Senator or member having an amendment or amendments to offer, shall, upon recognition by the presiding officer, send to the Secretary's or Clerk's desk, such amendment or amendments in writing. After the reading of such amendment or amendments, the question shall be upon the adoption of the same. Each amendment shall be printed in full in the Journal of the Senate or Assembly (as the case may be), and mention made whether the amendment was "adopted" or "lost."

When the Secretary of the Senate or Clerk of the Assembly shall have finished reading the bill by sections, the presiding officer shall state the question: "Are there any

further amendments to the bill?" When all amendments have been submitted the question shall be: "Shall the bill be ordered engrossed and to a third reading?"

When a bill shall have been reported as correctly engrossed, it shall be placed on the General File for third reading, in the order received from the Engrossing Clerk.

XVIII.—THIRD READING OF BILLS.

Upon the third reading of a bill the question shall be: "Shall the bill be read a third time?" and if so ordered (and if it be a Senate bill) the Secretary of the Senate or (if an Assembly bill) the Clerk of the Assembly, shall read the bill at length, when the question shall be upon the final passage of the bill. If the bill shall have received the requisite number of votes, it shall be declared "passed." The title shall then be read and approved. After the proper indorsements have been made on the bill, and the entries made in the Register of Bills kept for that purpose, the Secretary of the Senate (if it be a Senate bill) or the Clerk of the Assembly (if it be an Assembly bill) shall transmit the bill to the branch of the Legislature other than the one in which the bill was introduced, as soon thereafter as possible.

XIX.—AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall report it within ten days, if received on or before January 25th, and within five days if received after January 25th, unless otherwise ordered by the Senate or Assembly.

XX.—AFTER A PASSED BILL IS REPORTED FROM COMMITTEE.

When a bill that has passed either the Senate or Assembly has been reported from the committee to which it has been assigned, it shall be placed on the General File in its regular order and the proceedings shall be the same as herein provided for the passage of a bill; *provided, however*, that no part of this rule shall be construed to conflict with the rules governing the introduction and passage of a bill.

XXI.—CLERK TO ATTACH AMENDMENTS TO BILL.

If a Senate bill shall have been amended by the Assembly, the Clerk of the Assembly shall attach the amendments adopted by the Assembly to the Senate bill.

XXII.—SECRETARY TO ATTACH AMENDMENTS TO BILL.

If an Assembly bill shall have been amended by the Senate, the Secretary of the Senate shall attach the amendments adopted by the Senate to the Assembly bill.

XXIII.—CLERK TO RETURN BILL TO SENATE.

After a Senate bill has passed the Assembly or has been refused passage by the Assembly, the Clerk of the Assembly shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Senate, and in the Assembly message, which must accompany same, mention the action taken by the Assembly.

XXIV.—SECRETARY TO RETURN BILL TO ASSEMBLY.

After an Assembly bill has passed the Senate, or has been refused passage by the Senate, the Secretary of the Senate shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Assembly, and in the Senate message, which must accompany same, mention the action taken by the Senate.

XXV.—ENROLLMENT.

When a Senate bill has been returned from the Assembly, or an Assembly bill from the Senate, after its passage, it shall be considered in the regular order of business ("Senate Messages" or "Assembly Messages"), and ordered to enrollment.

XXVI.—TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

XXVII.—WHEN AMENDMENTS ARE CONCURRED IN.

If the Senate concur (if it be a Senate bill) or the Assembly concur (if it be an Assembly bill) the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

XXVIII.—WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

If the Senate refuse to concur (if it be a Senate bill) or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the

amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

XXIX.—COMMITTEE ON CONFERENCE.

1. In every case of an amendment of a bill agreed to in one house, and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective Chairmen, and shall confer upon the differences between the two houses, and shall report as early as convenient the result of their conference to their respective houses for action thereon.

2. When Conference Committee shall meet: When either house shall require a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such conference shall be held at any time and place, to be agreed upon by their Chairmen; and in all cases where a conference takes place, the committee shall be composed of members who vote in the majority on the point or points of difference, but the committee shall not have power or control over any part of the bill or resolution, except such parts upon which a difference exists between the two houses.

XXX.—FREE CONFERENCE COMMITTEE.

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, but such amendments made by such committee shall be attached to the bill.

The report of a Committee on Free Conference shall be final, and must be accepted as such.

XXXI.—WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed and shall be determined without debate.

XXXII.—MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS.

When a message shall be sent from either house it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

XXXIII.—SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

XXXIV.—NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

XXXV.—ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER.

After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated, before it shall be presented to the Governor of the State.

XXXVI.—ENROLLING COMMITTEE TO COMPARE.

When bills are enrolled they shall be re-examined by the Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

XXXVII.—PRESIDENT AND SPEAKER TO SIGN BILLS.

After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

XXXVIII.—ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

After a bill shall have thus been signed in each house, it shall be presented by the Enrolling Committee of the house in which it originated to the Governor of the State

for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said Committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

XXXIX.—ORDERS, RESOLUTIONS, AND VOTES TO BE APPROVED AS ARE BILLS.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

XL.—THE DAILY FILE SHALL BE AS FOLLOWS :

1. All bills making appropriations for the State Government.
2. All constitutional amendments.
3. Third reading of bills.
4. Second reading of bills.
5. Bills to be considered during the twelve days preceding adjournment, and to be (1) Joint resolutions; (2) Bills making appropriations for deficiency in any State department; (3) Bills providing for payment of claims allowed by State Board of Examiners; (4) General Appropriation Bill; (5) Tax Levy Bill.

XLII.—DAILY HISTORY OF BILLS, ETC.

There shall be printed daily, by both the Senate and Assembly, a History of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house, up to the day preceding the publication of such History. A regular form shall be prescribed, and no other form shall be used.

XLIII.—BILLS TO BE READ AT LENGTH.

All bills shall be read at length, when upon the third reading.

XLIII.—SECRETARY AND CLERK TO KEEP REGISTER.

The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

XLIV.—SECRETARY AND CLERK SHALL INDORSE BILLS.

The Secretary of the Senate and Clerk of the Assembly shall indorse on every original bill, a statement of any action taken by the Senate and Assembly.

XLV.—BILLS TO BE DISTRIBUTED THREE HOURS BEFORE CONSIDERATION.

No bill shall be placed upon final passage until it shall have been printed and distributed at least three hours previous to the consideration of same, and the Sergeant-at-Arms shall keep, in a book provided for that purpose, a record of the hour of distribution of all bills.

XLVI.—WHEN BILLS ARE TO BE REPORTED FROM COMMITTEE.

All bills referred to committees on or before January 25th shall be reported back to the house in which they originated within ten days, and all bills referred to committee after January 25th shall be reported back to the house in which they originated within five days, exclusive of the day they were received by the committee.

XLVII.—A LEGISLATIVE BULLETIN TO BE PRINTED DAILY.

There shall be printed daily, by the Secretary of the Senate and the Clerk of the Assembly, for the use of the respective houses, a Legislative Bulletin, to be distributed before daily sessions begin. The Legislative Bulletin shall contain a list of committees, notices, and places of committee meetings, and bills to be considered by committees, together with date of such consideration, and such other matters of importance as may be necessary.

XLVIII.—NO BILLS TO BE INTRODUCED AFTER FIFTIETH DAY.

No bills shall be introduced in either the Senate or the Assembly after the fiftieth day of the session, excepting revenue measures; nor shall any bill be presented to the Governor for approval subsequent to the twelfth day preceding the day of adjournment *sine die*, excepting revenue bills, deficiency bills, and bills for claims against the State.

XLIX.—ADJOURNMENT SINE DIE.

An adjournment *sine die* shall only be made by concurrent resolution, and shall give at least twelve days' notice of time of such adjournment *sine die*.

L.—DISPENSING OF JOINT RULES.

No Joint Rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a Joint Rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of

such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

WITHINGTON,
SEAWELL,
DICKINSON,

Committee on Rules and Revision.

Senator Withington moved the adoption of the rules submitted by the committee in the report just read as the Joint Rules of the Senate and Assembly.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, constitutional amendments, joint resolutions, and concurrent resolutions were introduced, read first time, and referred to committees, as indicated:

By Senator Denison: Senate Bill No. 308—An Act to protect and promote the canning interests of the State, and to regulate the labeling of canned vegetables, fruits, fish, and meats.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 309—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed, and materials furnished, under a contract with Guy H. Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street law of this State.

Referred to the Committee on Finance.

By Senator Stratton: Senate Bill No. 310—An Act for the protection of the Antwerp messenger, or homing pigeon.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 311—An Act appropriating the sum of \$15,000 for the erection in Golden Gate Park, San Francisco, Cal., of a monument or statue to the memory of Col. E. D. Baker, and appointment of a commission to carry into effect the provisions of this Act.

Referred to the Committee on Finance.

By Senator Langford: Senate Bill No. 312—An Act to provide for the payment of interest at the statutory rate to every bona fide owner and holder of any unlocated or uncanceled school land warrant issued under the Act of the State of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and to each and every person having owned and canceled any such warrant or warrants under the Act of March 23, 1893.

Referred to the Committee on Banks and Banking.

By Senator Androus (by request): Senate Bill No. 313—An Act add-

ing a new section to the Civil Code relating to the location of and to compel the construction of depots, stations, side tracks, switches, turn-outs, and spurs, by railroad and other transportation companies in the State of California, and fixing a penalty for failure to comply thereto.

Referred to the Committee on Corporations.

Also (by request): Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Referred to the Committee on Judiciary.

By Senator Voorheis: Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also (by request of State Board of Examiners): Senate Bill No. 316—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Toner: Senate Bill No. 317—An Act to amend Section 1216 of the Penal Code, relating to duty of Sheriff on receiving copy of judgment of imprisonment.

Referred to the Committee on Judiciary.

By Senator Jones: Senate Bill No. 318—An Act to provide for the protection and preservation of public highways from damage by storm-waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 319—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, by amending Section 235, relating to the classification of new counties, and the reclassification of any existing county, when the population of such county shall have been reduced by reason of the creation of any new county from the territory thereof.

Referred to the Committee on Counties and County Boundaries.

Also: Senate Bill No. 320—An Act to amend Sections 3746, 3756, 3758, 3759, 3764, and 3767 of the Political Code, relating to the time of payment of taxes.

Referred to the Committee on Judiciary.

By Senator Smith: Senate Bill No. 321—An Act to establish a State Normal School in San Luis Obispo County, California, and making an appropriation of \$100,000 therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Mahoney: Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Referred to the Committee on Mines, Drainage, and Mining Debris.

Also: Senate Bill No. 323—An Act to amend Sections 332 and 342 of the Civil Code, relative to assessments and the sale of the stock of corporations.

Referred to the Committee on Mines, Drainage, and Mining Debris.

Also: Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Referred to the Committee on Mines, Drainage, and Mining Debris.

Also: Senate Bill No. 325—An Act providing for a general primary election within the State of California, and to promote the purity thereof, by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and providing for the use of party vignettes, and the protection thereof, and repealing all other Acts in conflict with this Act.

Referred to the Committee on Elections.

Also: Senate Constitutional Amendment No. 17—Resolution proposing an amendment to Section 1 of Article XVIII of the Constitution of the State of California.

Referred to the Committee on Constitutional Amendments.

By Senator Bert (by request): Senate Bill No. 326—An Act to appropriate \$4,750 as compensation to the California Demokrat Publishing Company, a corporation incorporated, organized, and existing under the laws of the State of California, for having published proposed amendments to the Constitution of the State of California, during the year 1894.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Henderson: Senate Bill No. 327—An Act appropriating the sum of forty-nine thousand six hundred and nine dollars (\$49,609) for a thorough system of ventilation for the Capitol building, and the remodeling and ventilation of the water-closets therein.

Referred to the Committee on Finance.

By Senator Braunhart: Senate Bill No. 328—An Act to amend Section 690 of an act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting typewriters and bicycles from execution.

Referred to the Committee on Judiciary.

By Senator Holloway: Senate Bill No. 329—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant.

Referred to the Committee on Finance.

WITHDRAWAL OF BILL.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 301—An Act requiring street railway companies in any city, city and county, or town of this State to issue package tickets, and providing for the redemption thereof.

Request granted, and Senate Bill No. 301 withdrawn.

SENATE JOINT RESOLUTION.

By Senator Stratton: Senate Joint Resolution No. 7—Relative to the Sloat Monument Bill, now pending before the House of Representatives.

Senator Stratton moved the adoption of the resolution, which was read, as follows:

WHEREAS, The Committee on Appropriations of the House of Representatives is now considering a bill, introduced in the Senate by Hon. George C. Perkins, and which has passed that body, providing for an appropriation of (\$10,000) ten thousand dollars for the erection of a statue of the late Commodore John D. Sloat, within the limits of the city of Monterey, California; and

WHEREAS, The people of this State are interested in the passage of said bill; be it *Resolved by the Senate of the State of California, the Assembly thereof concurring*, That we request our Representatives in Congress from this State that they use every means in their power to secure the final passage of the above bill; and

Resolved, That the Secretary of the Senate be directed to transmit to each of our Representatives a copy of these resolutions, adopted January 15, 1897.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

By Senator Androus: Senate Joint Resolution No. 8, relating to a protective tariff on asphaltum.

Referred to the Committee on Federal Relations.

PETITION—(OUT OF ORDER).

Senator Smith presented the following petition, which, by unanimous consent, was ordered printed in the Journal:

PETITION FOR NORMAL SCHOOL AT SAN LUIS OBISPO, CALIFORNIA.

To the Honorable Legislature of the State of California:

Your petitioners desire to present to the Senators and Assemblymen of the State of California in Legislature assembled, and to his Excellency the Governor of the State, the following facts and petition, in order that they may take intelligent action upon the proposition of granting an appropriation for the establishing of a State Normal School in the City of San Luis Obispo, California:

COMPARISON OF AREAS.

We would call your attention to the great area of our State—being about the area of all the New England States and the great States of New York and Pennsylvania in addition, and having a length of more than seven hundred miles from northwest to southeast. An equal distance on the Atlantic coast would extend from the northern line of Connecticut to the southern line of South Carolina.

NECESSITY FOR ANOTHER NORMAL SCHOOL.

We make this comparison in order to show that in a like area on the Eastern coast there are one hundred Normal Schools, besides a great number of other institutions of learning, while in our State there are but three Normal Schools. These, as well as the State University and independent institutions, are overcrowded—there being in the Normal School at San José seven hundred students, at Los Angeles six hundred, and at Chico four hundred and fifty. Superintendent Black in his last report calls attention to this state of affairs, and dwells upon the disadvantages of overcrowded classes.

PECULIAR ADVANTAGES OF SAN LUIS OBISPO AS A LOCATION FOR A NORMAL SCHOOL.

The Normal School at Chico is situated in the northern part of the Sacramento Valley. Between San José and Los Angeles is a distance of four hundred miles. San Luis Obispo is situated midway between these two schools, and for the purpose would be the center of an area of thirty thousand square miles of a populous and productive portion of the

State. That such a vast area, so full of resources and advantages, is entitled to most careful consideration in matters of educational facilities is apparent to every statesman and good citizen.

DESIRABILITY OF THE CITY OF SAN LUIS OBISPO AS A LOCATION FOR A NORMAL SCHOOL.

The City of San Luis Obispo lies within the limits of the trade winds from the Pacific Ocean, and is the nearest point on the ocean to the great interior valley of the Upper San Joaquin from Fresno southward. The healthfulness of the locality and the salubrity of the climate are not surpassed by the most favored spots of the world. These facts are so well known as to make a detailed statement of meteorological conditions seem superfluous. We will, however, say that the records of rainfall and temperature have been kept for the past twenty-five years, showing an average annual rainfall of 21 inches, and an average temperature of the four warmest summer months of 63°, and of the four coldest winter months of 52°. No section of the State can present a more favorable record. In all the record of twenty-five years there are not five days showing a higher register of temperature than 100° in the daytime, and in no night of the history of San Luis Obispo has there been an uncomfortable one for sleeping. While light white frosts occur nearly every year, hard freezing is unknown.

The following comparative statement for the two years last past, prepared by the Government observer stationed here, will bear us out in these claims:

"U. S. Department of Agriculture, Weather Bureau, Office of the Observer, San Luis Obispo, January 9, 1897. Gentlemen: I have the honor to report that from the meager data on file at this station, I find that for the years 1894, 1895, 1896, the maximum temperature was: Los Angeles, 103°; San Diego, 98°; Red Bluff, 109°; Fresno, 111°; San Luis Obispo, 99°. Lowest temperature: Los Angeles, 32°; San Diego, 32°; Red Bluff, 27°; Fresno, 28°; San Luis Obispo, 28°. Highest wind: Los Angeles, 30; San Diego, 35; Red Bluff, 46; Fresno, 34; San Luis Obispo, 33. The mean of two years at San Luis Obispo is as follows: Mean barometer, 30.04; temperature, 58.9°; highest, 99°; lowest, 28°; dew point, 46°; humidity, 70; rainfall, 19.47 inches; clear days, 195; partly cloudy, 108; cloudy, 62; rainy, 48; foggy, 37. Average wind velocity, 5.2 miles per hour. The annual reports of this bureau for 1895 and 1896 are not yet published, so I cannot furnish any data comparing San Luis Obispo with other stations. Very respectfully, John K. Williams, Observer."

For a comprehensive report of meteorological conditions at San Luis Obispo, extending over a number of years, see report of Sergeant James A. Barwick for the year 1889, pages 136 and 137, published at State Office.

The City of San Luis Obispo is the county seat of San Luis Obispo County, and is one of the choice locations in the State. It is one of the old mission towns, its mission having been established in 1772; is a city of the sixth class, having a population of about four thousand; a well organized city government, with efficient fire and police departments; is well supplied with water by a complete system of water-works; is supplied with electric lights, gas, street railways, telephones, etc.; has a good sewer system, a public library, free reading-room, churches of many denominations, two daily and three weekly newspapers. No malaria exists in the atmosphere, and contagious and infectious diseases are never epidemic. County Superintendent Messer, who has been a teacher in our public schools for six years, says that San Luis Obispo has no superior as a locality in which constant mental effort may be sustained. He states that during the six years not ten days occurred in which students would feel discomfort in pursuing their studies on account of heat.

ACCESSIBILITY.

The Southern Pacific Railroad passes through the city, soon to be the great thoroughfare between the northern and southern parts of the State, and the route of trans-continental travel and freight. A branch of the Southern Pacific now extends from Bakersfield westward to the eastern border of San Luis Obispo County, with the promise of extension to intersection with the main north and south line of that road. There will also soon be constructed an independent railroad connecting San Luis Obispo City and harbor with the chief cities of the Upper San Joaquin Valley. The Pacific Coast Railway, with a length of near 80 miles, connects the city and harbor with the various towns of Santa Barbara County north of the Santa Ynez Mountains. The great ocean fronts the county, and with the best harbor between San Francisco and San Diego affords cheap transportation, and as a competitor will always maintain low schedules. At this harbor the National Government is now constructing a breakwater which will make of San Luis Obispo Bay a harbor of ideal perfection.

OTHER ATTRACTIONS.

The region is diversified with hills and valleys, affording the most beautiful and picturesque scenery of California; scenery never tiring to the eye, attractive and ennobling to students and artists. The geological and mineralogical formation is such as to constitute an endless and very useful subject of study. San Luis Obispo County is distinguished for its many and varied rocks and minerals, and these offer subjects for the practical student as well as material for building purposes. Our seaside resorts are unsurpassed by any in the State. The famous Pismo Beach, affording a continuous drive of twenty-five miles, is situated ten miles to the southward; Morro, one of the most popular resorts for families from the interior, twelve miles northward, and Avila, near Port Harford, nine miles westward.

CHEAPNESS OF LIVING.

San Luis Obispo is situated within a few miles of the Arroyo Grande Valley, the prize garden spot of the world, and is surrounded by dairies, orchards, and vineyards. Meats, fruits, and vegetables are abundant and cheap the year round, making this one of the most desirable places in the world for students who must practice economy in their living.

OUR OWN NEED OF A NORMAL SCHOOL.

This county alone now annually graduates from the grammar schools nearly one hundred pupils, who by their diplomas of graduation are admitted to the State Normal School at San José without any examination. Many of these graduates have gone at great expense to the Normal Schools at Los Angeles and San José, and many more are anxious to go, but are not able to bear the expense. This county has employed for a number of years about thirty-five per cent of its teaching force from the City of San José, while our own young people, the peers of any in the State in natural endowments, are doomed to less honorable and lucrative employment because advanced educational facilities are not within their reach.

CONCLUSION.

The foregoing facts and figures are sufficient to show why the City of San Luis Obispo should have precedence of all cities on the southern coast as an eligible location for a State Normal School. In the geographical center of a large, populous area; unexcelled in climatic advantages and healthfulness; easily accessible from all points; its diversified scenery and seaside attractions; its desirability as a residence locality; its assured growth in the immediate future; its advantages for economical living; and the great and increasing necessity for such a school for the accommodation of the young people who inhabit this region, San Luis Obispo presents claims worthy of the consideration and affirmative action of our honorable State Legislature and his Excellency Governor Budd. For such consideration and affirmative action your petitioners will ever pray.

The foregoing was presented to the citizens of San Luis Obispo, in mass meeting assembled, by a committee consisting of Myron Angel, W. A. Henderson, and J. K. Tuley, they having been appointed for the purpose, and the report was adopted by the citizens in meeting assembled; at which meeting it was

Ordered, That the secretary of this meeting be directed to forward copies of the report of the Committee on Petition to the Legislature, to the Hon. S. C. Smith, and to the Hon. J. K. Burnett, at Sacramento, with a request that they use every honorable endeavor to induce the passage of an Act for the establishment of a Normal School at the City of San Luis Obispo.

JOHN WHICHER, Secretary.

NOTICE OF MOTION.

Senator Dickinson gave notice that he would on Monday next move to amend the Standing Rules of the Senate, so that no Senator will be permitted to introduce a bill by request.

MOTIONS.

Senator Smith moved that when the Senate adjourn, it adjourn to meet Monday next.

Motion carried.

REFERENCE OF REPORT OF COMMISSIONERS FOR THE REVISION AND REFORM OF THE LAW.

Senator Morehouse moved that the report of the Commissioners for the Revision and Reform of the Law be referred to the Judiciary Committee.

Senator Dickinson moved as an amendment that the report be referred to a Committee of three Senators, to be appointed by the President.

Senator Morehouse accepted the amendment.

Senator Pedlar moved to further amend by adding these words to the motion: "And that the Secretary request the Commissioners for the

Revision and Reform of the Law to file their report with the Senate at as early a date as possible."

Senator Morehouse accepted Senator Pedlar's amendment.

The motion, as amended, then carried.

RESOLUTION.

Senator Pedlar offered the following resolution, and moved its adoption:

Resolved, That the Committee on Attachés, Contingent Expenses, and Mileage be and they are hereby requested to carefully examine into the service which the Senate is receiving at the hands of its officers and attachés, and if dereliction of duty at any time on the part of any officer or attaché be found, said committee are requested to report the same to the Senate.

Adopted.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 7th day of January, adopted the following:

Assembly Joint Resolution No. 8, relative to the passage of the California Mineral Lands Bill.

S. J. DUCKWORTH, Chief Clerk.

Assembly Joint Resolution No. 8 referred to the Committee on Mines, Drainage, and Mining Debris.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 14th day of January, receded from its amendment to Senate Concurrent Resolution No. 1, relative to joint convention for the election of State Library Trustees.

S. J. DUCKWORTH, Chief Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

APPOINTMENT OF COMMITTEE.

The President announced that he appointed as a committee to whom shall be referred the report of the Commissioners for the Revision and Reform of the Law, Senators Dickinson, Stratton, and Seawell.

ADJOURNMENT.

At eleven o'clock A. M., the Senate, on motion of Senator Bert, adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, January 18, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Chapman was granted a leave of absence until noon, on motion of Senator Hall.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

There being no objection, the Journal of Thursday, January 14, 1897, was declared approved.

QUESTION OF PRIVILEGE.

Senator Withington rose to a question of privilege, and called attention to an article in the Sacramento Record-Union, usually a fair and accurate journal, which purported to give the total per diem of officers and attachés of the Senate at the end of the second week of the present session, and of the session of 1895, purporting to show an excess in the expenses of the present session of \$48 per day over that of 1895. Senator Withington stated that the figures furnished him by the State Controller from the payroll of the present session showed at the end of the second week a per diem of \$518; that the payroll at the end of the second week of the session of 1895 showed a per diem of \$722, a decrease by the present Senate of \$204 per day; that the total amount paid for officers and attachés at the end of the second week of the session of 1895 was \$3,923, and for the second week of the present session \$2,626 50, a reduction in favor of the present session of the Senate of \$1,296 50, or a per diem reduction of \$185 22; that the committee attachés in the session of 1895 were not appointed until late in the week, which explains the difference between the \$204 and \$185 22.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were presented and read:

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 6—An Act to amend an Act entitled "An Act creating

a Commission of Public Works," etc., approved March 24, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ARAM, Chairman.

Senate Bill No. 6 ordered on second-reading file.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the following statutory officers be and they are hereby allowed the sums set opposite their respective names for mileage for attendance at the thirty-second session of the Senate, and the Controller is hereby directed to draw his warrant for said amounts, payable out of the fund for the contingent expenses of the Senate, and the Treasurer is hereby directed to pay the same:

L. H. Pedlar, Bookkeeper to the Sergeant-at-Arms of the Senate, 160 miles, \$36.

C. R. Mayhew, Engrossing Clerk of the Senate, 135 miles, \$27.

J. H. Dungan, Enrolling Clerk of the Senate, 22 miles, \$4 40.

Theodore A. Simpson, Journal Clerk of the Senate, 488 miles, \$97 60.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

Report of committee adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That F. J. Brandon, Secretary of the Senate, be allowed the sum of \$25 for the purchase of postage stamps, in mailing resolutions and other documents in accordance to instruction of the Senate, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, The twenty-ninth session of the Legislature of this State did enact the following:

"SECTION 1. In every department upon all public works, whether under contract or not, in all offices, employments, places, and positions of trust or profit of this State, honorably discharged ex-Union soldiers, sailors, and marines of the War of the Rebellion must be preferred for appointment, employment, and retention therein, and age, loss of limb, or other physical impairment which does not in fact incapacitate, shall not be deemed to disqualify them; *provided*, they possess the capacity necessary to fill the position; and persons thus preferred or appointed, unless appointed or employed for a definite statutory period, shall not be dismissed from such positions, offices, or employments except upon charges, after a hearing, and for just cause;

"SEC. 2. This Act shall take effect immediately"; and

WHEREAS, Thus far, this session of the Senate, in its several branches, has unintentionally failed to make appointments in conformity with said law; therefore, be it

Resolved, That in the event of there being further appointments made by this house, a fair proportion of any and all said preferments shall be given to honorably discharged ex-Union soldiers and sailors.

Have had the same under consideration, and in view of the fact that all positions in the gift of the Senate are now filled, we respectfully report the same back, and recommend the following resolution as a substitute therefor be adopted:

Resolved, That in appointments made by this Senate, ex-Union soldiers and sailors, when equally qualified, should be given the preference.

WITHINGTON, for Committee.

Report of committee and resolution adopted.

RECESS.

At ten o'clock and twenty-seven minutes A. M., the President announced the presence of a party of distinguished visiting citizens, and thereupon declared a recess for ten minutes, for the purpose of introducing the members and officers of the Senate to the Hon. W. Y. Atkinson, Governor of Georgia, and party.

RECONVENED.

At ten o'clock and forty minutes A. M., the Senate reconvened. Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 42—An Act to provide for the adoption of children maintained in any orphan asylum or orphans' home in this State.

Also: Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estate and discharge of executors and administrators.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments.

Also: Senate Bill No. 46—An Act entitled an Act to amend Section 883 of an Act entitled "An Act to establish a Code of Civil Procedure, relating to trials by jury in Justices' Courts," approved March 11, 1872.

Also: Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Also: Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Pages 16 and 17 of the Governor's Message, in so far as they relate to the inheritance tax; and pages 79 and 80, relating to mob law—have had the same under consideration, and respectfully report the same back, and recommend that no action be taken on the same.

SIMPSON, Chairman.

Senate Bills Nos. 42 and 67 ordered on second-reading file.

Senate Bills Nos. 44, 46, and 47 ordered on second-reading file.

Senate Bill No. 1 ordered on second-reading file.

RESOLUTIONS—(OUT OF ORDER).

Senator Bert offered the following resolution:

Resolved, That M. J. Dunn be and he is hereby appointed Messenger to the Committee on Constitutional Amendments, at a per diem of \$5, the same to be paid out of the fund for the contingent expenses of the Senate.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Holloway offered the following resolution:

Resolved, That G. B. Baer be allowed the sum of \$25 for five days' services as Clerk of the Committee on Attachés, Contingent Expenses, and Mileage, from January 5th to January 10th, and that George T. Brown be allowed the sum of \$6 for two days' services as Gatekeeper, under temporary organization of the Senate. The Controller is hereby directed to draw his warrants for said amounts upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Senator Dickinson, in accordance with his notice given on Friday last, sent to the desk the following motion:

That the Standing Rules of the Senate be amended as follows:

By adding a new rule thereto, to be numbered LXIX, which shall read:

LXIX.—NO BILLS BY REQUEST.

No Senator shall be permitted to introduce a bill or resolution "by request," and have the record so show.

Referred to the Committee on Rules and Revision.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the resolution of Senator Dickinson, amending the Standing Rules of the Senate by adding a new rule thereto, to be numbered LXIX, as follows:

LXIX.—NO BILLS BY REQUEST.

No Senator shall be permitted to introduce a bill or resolution "by request," and have the record so show.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WITHINGTON, Chairman.

The roll was called, and the report of the committee refused adoption by the following vote:

AYES—Senators Aram, Brauhart, Denison, Dickinson, Doty, Franck, Gillette, Jones, Luchsinger, Pedlar, Seawell, Simpson, Stratton, Trout, Withington, and Wolfe—16.
NOES—Senators Androus, Beard, Bert, Bulla, Dwyer, Feeney, Flint, Gleaves, Hall, Henderson, La Rue, Mahoney, Morehouse, Prisk, Shine, Smith, Toner, and Voorheis—18.

Whereupon, the President declared that the Senate refused to amend the Standing Rules of the Senate in accordance with the report of the Committee on Rules and Revision, just read.

WITHDRAWAL OF BILL.

Senator Jones asked unanimous consent to withdraw Senate Bill No. 320—An Act to amend Sections 3746, 3756, 3758, 3759, 3764, and 3767 of the Political Code, relating to the time of payment of taxes.

Request granted, and Senate Bill No. 320 withdrawn.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, constitutional amendments, and joint resolutions were introduced, read first time, and referred to committees, as indicated:

By Senator Bulla (by request): Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code, all of said sections relating to public lands and revenue and taxation.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 331—An Act to amend Section 1042 of the Penal Code of the State of California, relating to jury trials in criminal cases.

Referred to the Committee on Judiciary.

By Senator Aram: Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

Referred to the Committee on Judiciary.

By Senator Feeney: Senate Bill No. 333—An Act for the protection and propagation of shrimps.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

By Senator Gillette: Senate Bill No. 334—An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations.

Referred to the Committee on Corporations.

Also: Senate Bill No. 335—An Act to amend Section 729 of the Code of Civil Procedure, relating to the compensation for the commissioners' services in the foreclosure of mortgages, approved March 9, 1893.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 336—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Referred to the Committee on Judiciary.

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding to Article XX thereof a new section, to be known as Section 21, relating to dividing the State into fish and game districts.

Referred to the Committee on Constitutional Amendments.

By Senator Mahoney: Senate Bill No. 337—An Act to amend an Act of the Legislature of the State of California entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 308, relating to the sale and use of opium and any preparation thereof.

Referred to the Committee on Education and Public Morals.

By Senator Voorheis: Senate Bill No. 338—An Act to amend Sections 2292, 2293, and 2294 of Chapter III, Title V, of the Political Code, relating to the State Library.

Referred to the Committee on Public Printing and State Library.

Also: Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority

of the several counties, cities and counties, cities, and towns of the State to provide pensions, or benefits, for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 340—An Act to provide for the purchase of additional land for the Preston School of Industry at Lone.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 341—An Act to provide for the construction of a reservoir for settling and storing water at the Preston School of Industry, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 342—An Act to appropriate money for the erection of additional buildings at the Preston School of Industry at Lone, and for furnishing and equipping the same.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 343—An Act to provide for certain improvements at the Preston School of Industry, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 344—An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund.

Referred to the Committee on Finance.

Also: Senate Bill No. 345—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Referred to the Committee on Finance.

By Senator Androus: Senate Bill No. 346—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote horticultural interests of the State,'" approved March 19, 1889.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Referred to the Committee on Finance.

By Senator Wolfe: Senate Bill No. 348—An Act prohibiting the establishing, locating, placing, or maintaining of any hospital, sanitarium, building, or other structure used, or intended to be used, for the reception, care, or treatment of any person or persons afflicted with any contagious or infectious disease, within three thousand feet of any lake, pond, river, creek, ditch, or reservoir, the water of which is, or may be, used for domestic purposes other than in said institution, and forbidding any person or corporation from receiving, accepting, caring for, or treating any person or persons afflicted with any contagious or infectious disease in any such hospital, sanitarium, building, or other structure within three thousand feet of any lake, pond, river, creek, ditch, or reservoir,

the water of which is, or may be, used for domestic purposes other than in said institution.

Referred to the Committee on Hospitals, Health, and Quarantine.

Also: Senate Bill No. 349—An Act to authorize boards of health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 350—An Act to confer further powers upon the boards of health of the municipalities and counties in this State.

Referred to the Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 351—An Act entitled "An Act to amend Section 1196 of the Political Code, relating to elections."

Referred to the Committee on Elections.

Also: Senate Bill No. 352—An Act to amend Section 1881 of the Code of Civil Procedure of the State of California, relative to the examination of witnesses holding certain relations.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 353—An Act to provide for the establishment of a board of examiners for the California State Therapeutic Society and College, which is to be self-sustaining.

Referred to the Committee on Judiciary.

By Senator Dwyer: Senate Bill No. 354—An Act to amend Sections 1895, 1912, 1915, 1917, 1919, 1923, 1938, 1951, 1955, 1958, 1962, 1965, 1968, 1982, 1984, 1990, 2003, 2006, 2007, 2220, 2023, 2028, 2031, 2094, and 2101 of the Political Code, State of California, relating to the National Guard; and to repeal Sections 1913, 1945, 2099, 2105, 2109, and 2110 of the Political Code, State of California, relating to the National Guard, and to add one new section to the Political Code, State of California, relating to the National Guard, to be known and numbered as Section 1946.

Referred to the Committee on Military Affairs.

Also (by request): Senate Bill No. 355—An Act to repeal an Act entitled "An Act to define the duties of inspectors of rifle practice of the National Guard of California," approved March 30, 1878.

Referred to the Committee on Military Affairs.

Also (by request): Senate Bill No. 356—An Act to amend Section 729 of the Penal Code, State of California, relating to the National Guard.

Referred to the Committee on Military Affairs.

By Senator Holloway: Senate Bill No. 357—An Act to provide additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to equip the same for occupancy and use, to provide a system of electric lighting therein, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 358—An Act to provide for the erection of a suitable storage reservoir, to lay mains with all necessary connections, and to provide power and apparatus; to make and complete a new water-works system for fire emergency, storage, and motive purposes, at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 360—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 361—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the erection of the east front thereto and thereof, to provide for necessary additions to the kitchen wing, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Bert (by request): Senate Bill No. 362—An Act authorizing the Secretary of State to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as Janitor's Clerk, who shall keep the accounts of the supply department, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

Referred to the Committee on Finance.

By Senator Braunhart: Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, southward from its present southerly terminus, near the foot of Mission Street, on the water front of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Stratton: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Referred to the Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 365—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 366—An Act entitled an Act to amend the Political Code, by adding a new section requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 367—An Act entitled an Act to amend the Political Code, by adding a new section prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 368—An Act entitled "An Act to amend the Political Code, by adding a new section requiring all goods, wares, and merchandise made in any prison, or other establishment in which convict labor is employed, to be branded or labeled for identification."

Referred to the Committee on Labor and Capital.

By Senator Shippee: Senate Bill No. 369—An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances.

Referred to the Committee on Judiciary.

JOINT RESOLUTION.

Senator Smith offered the following, and moved its adoption:

SENATE JOINT RESOLUTION No. 9.

On the Nicaragua Canal.

WHEREAS, There is now before Congress a bill to secure construction of the Nicaragua Canal, entitled H. R. Bill No. 35, introduced by Hon. Mr. Mahon; and

WHEREAS, The State of California, the Pacific Coast, and our entire country will be materially benefited by the beneficent work; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That we respectfully, but urgently, request the Congress of the United States to enact said bill at its present session, securing to our country the great benefit of a short, cheap, waterway between the Atlantic and Pacific oceans, free to all, on equal terms, without discrimination, and under control of the United States Government;

Resolved, That the Governor of California is respectfully requested to telegraph these resolutions to the honorable President of the Senate and the honorable Speaker of the House of Representatives.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—32.

NOES—None.

On motion of Senator Smith, the resolution was ordered immediately transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That M. J. Dunn be and he is hereby appointed Messenger to the Committee on Constitutional Amendments at a per diem of \$5, the same to be paid out of the fund for the contingent expenses of the Senate.

Have had the same under consideration, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—27.

NOES—Senators Doty, La Rue, and Prisk—3.

SENATE CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

By Senator Withington: Senate Constitutional Amendment No. 19—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, relative to the legislative department, by adding a section thereto, to be numbered 36.

Referred to the Committee on Constitutional Amendments.

GENERAL FILE.

Consideration of Senate Joint Resolution No. 5.

SENATE JOINT RESOLUTION No. 5.

Relative to dredging channel from San Pablo Bay to Mare Island.

WHEREAS, There is an open channel for all vessels of the United States Navy from San Pablo Bay up to Mare Island Straits, which run between the United States Navy Yard, Mare Island, and the western shore of Solano County, State of California; and

WHEREAS, The United States Government considers it unsafe at present to allow vessels of such draft as the U. S. S. Oregon to be sent to Mare Island Navy Yard, on account of the shoaling of the channel of said straits; and

WHEREAS, A survey has been made and estimates submitted to the United States Government approximating the cost of dredging said channel; therefore, be it

Resolved by the Senate, the Assembly concurring. That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to pursue such course as shall be necessary to secure an ample appropriation by the United States Government to carry on and complete the dredging of said channel;

Resolved, That a copy of these resolutions be forwarded to said Senators and Representatives in Congress by the Secretary of the Senate.

The resolution was read, and on roll call was adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—33.

NOES—None.

On motion of Senator Luchsinger, Senate Joint Resolution No. 5 was ordered immediately transmitted to the Assembly.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., the Senate, on motion of Senator Dickinson, adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 19, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Bert, Boyce, Braumbart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Androus was granted a leave of absence for the day, on motion of Senator Holloway.

Senator Shine was granted a leave of absence for the day, on motion of Senator Pedlar.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

There being no objection, the Journal of Friday, January 15, 1897, was declared approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 2—Entitled an Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Also: Senate Bill No. 9—Entitled an Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the boards of trustees of certain cities.

Also: Senate Bill No. 17—Entitled an Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof.

Also: Senate Bill No. 18—Entitled an Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over.

Also: Senate Bill No. 60—Entitled an Act conferring power upon the governing body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Also: Senate Bill No. 75—Entitled an Act to amend subdivision 9 of Section 862 of an Act entitled an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GILLETTE, Chairman.

Senate Bills Nos. 2, 9, 17, 18, 60, and 75 ordered on second-reading file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SIMPSON, Chairman.

Senate Bill No. 155 ordered on second-reading file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 1—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 1 of Article XIII, relative to exemption from taxation.

Also: Senate Constitutional Amendment No. 14—A resolution proposing to the people of the State an amendment to Section 1 of Article XIII of the Constitution, relative to exemptions from taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw the same, for the reason that the subject-matter therein treated of is fully covered by the provisions of Senate Constitutional Amendment No. 6, herewith favorably reported.

Also: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California to amend Article XI of the Constitution, by adding thereto a new section, to be known as Section 20, in relation to tax levies by counties, and cities and counties—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 9 of Article XIII thereof, relative to the Board of Equalization, providing that said board shall consist of four members, to be elected at large by the electors of the State—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Constitutional Amendment No. 5—Relative to revenue and taxation—A resolution to propose to the people of the State of California, repealing Section 12 of Article XIII of the Constitution of the State of California, relative to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 4, Article VI, thereof, relative to appellate jurisdiction of the Supreme Court.

Also: Senate Constitutional Amendment No. 8—Constitutional Amendment to propose to the people of the State of California, amending the Constitution of the State of California, by amending Sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 21, and 23, of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to the Committee on Judiciary.

Also: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

Also: Senate Constitutional Amendment No. 17—A resolution proposing an amendment to Section 1 of Article XVIII of the Constitution of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

BERT, Chairman.

Senate Constitutional Amendments Nos. 3 and 8 referred to the Committee on Judiciary.

Senate Constitutional Amendments Nos. 2, 4, 5, 6, 13, and 17 ordered on file for consideration during the twelve days preceding final adjournment.

Senate Constitutional Amendments Nos. 1 and 14 withdrawn from the file by their authors, unanimous consent having been given.

Unanimous consent being given, the President announced that all

constitutional amendments reported back from committees shall go upon the file, to be considered during the twelve days preceding final adjournment.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 21—An Act to appropriate \$5,628 75 as compensation to the *La Voce del Popolo*, a newspaper published in the City and County of San Francisco, for having published proposed amendments to the Constitution of the State of California, during the year 1894.

Also: Senate Bill No. 22—An Act to appropriate \$4,488 42 as compensation to the *Le Franco-Californien*, a newspaper published in the City and County of San Francisco, for having published proposed amendments to the Constitution of the State of California, during the year 1894.

Also: Senate Bill No. 51—An Act making an appropriation for reimbursing the County of Marin for moneys expended by it for the prosecution of crimes committed within the State Prison at San Quentin, and for inquests held over the bodies of convicts who have died within said prison.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 38—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Also: Senate Bill No. 84—An Act making an appropriation for furnishing a central building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 85—An Act making an appropriation for the erection of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 86—An Act making an appropriation for a system of storm drains and improvements of the grounds of the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity.

Also: Senate Bill No. 88—An Act making an appropriation for the erection of a central building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building, for the use and occupancy of the officers, employees, and patients of the Mendocino Asylum; to purchase furniture and furnish the buildings so to be erected, by the directors of said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice-plant and cold-storage system for said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 153—An Act making an appropriation to pay *L'Italia*, a newspaper, for publishing proposed amendments to the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Joint Resolution No. 4—Relative to the free coinage of silver—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted. A minority of the committee, consisting of Senators Langford, Henderson, and La Rue, recommend that it be adopted.

VOORHEIS, Chairman.

Senate Joint Resolution No. 4 ordered on file.

Senate Bill No. 16—Ordered on second-reading file.

Senate Bills Nos. 21, 22, 51, and 153 referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Senate Bills Nos. 38, 84, 85, 86, 87, 88, 89, 119, and 118, referred to the Committee on Public Buildings other than Prison Buildings.

REPORTS OF SPECIAL COMMITTEES.

ON REPORT OF COMMISSIONERS FOR THE REVISION AND REFORM OF THE LAW.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your committee on assignment of published report of the Commissioners for the Revision and Reform of the Law have had the same under consideration, and respectfully report the same back, and recommend that said report be assigned as follows:

To Committee on Judiciary—Page 1 to Section 291 on page 53; Section 709 on page 84 to Section 970 on page 86; Section 1057 on page 88 to Section 78 on page 144; Article XI on page 161; Section 408 on page 164 to Section 526 on page 167; Sections 749 and 767 on page 195 and all of Section 841 on page 196; Section 3547 and to Title IX on page 279; Section 3617 on page 281.

To Committee on Corporations—Section 291 on page 53 to Section 709 on page 84; Section 611 on page 189 to Section 680 on page 194.

To Committee on Elections—Section 291 on page 53 to Section 709 on page 84; Section 78 on page 144 to Section 150 on page 158; Section 343 on page 162 to Section 354 on page 163; Section 361 on page 163 to Section 408 on page 164; pages 197 to Chapter II on page 214.

To Committee on Commerce and Navigation—Section 970 on page 86 to Section 1057 on page 88.

To Committee on Attachés, Contingent Expenses, and Mileage—Section 150 on page 158 to Section 329 on page 161.

To Committee on Public Printing and Library—Article XII on page 161; Section 526 to Article XIII on page 173.

To Committee on Education and Public Morals—Section 354 on page 163; Section 1487 on page 214 to Section 1895 on page 243; Section 2327 on page 260.

To Committee on Banks and Banking—Pages 174 to 188, both inclusive.

To Committee on Finance—Section 680 on page 194 to Section 695 on page 195; page 273 and to Title VIII on page 277; Section 3608 on page 279 to Chapter II on page 281; page 284 on to the end of the report.

To Committee on Hospitals—Sections 695 and 696 on page 195; Section 2237 on page 257 to Section 2280 on page 260; Section 2993 on page 270.

To Committee on Military Affairs—Section 1895 on page 243 to Section 2237 on page 257.

To Committee on State Prisons—Section 2328 on page 260.

To Committee on Roads and Highways—Page 261 and on to Section 2993 on page 270.

To Committee on Labor and Capital—Section 3246 on page 270 on to page 273.

DICKINSON, Chairman.

Senator Withington presented the following as a partial report of the Committee on Legislative Business, appointed at the thirty-first session:

ON LEGISLATIVE BUSINESS.

To the Legislature of the State of California:

The Committee on Legislative Business, appointed at the thirty-first session of the California Legislature by the Senate thereof, and in accordance with the following resolution:

"Resolved, That a committee, consisting of three hold-over Senators, be appointed by the President pro tem, whose duty it shall be to report to the Legislature, at its next session, a better and cheaper method than the present of proceeding with legislative business; to perfect a better system of making up files, histories, etc., which will provide each member with a complete transcript of the business of both houses up to the time of convening each day; to simplify the clerical work at the desk and in the several offices, so that the work assigned each can be more readily performed; to lessen the necessity for so much printed matter, and to make such other recommendations the adoption of which they deem would expedite the business and facilitate the work of the Legislature."

Have performed the duties assigned to them, and herewith submit their report:

In suggesting a better and cheaper method than the present of proceeding with legislative business, the committee has carefully examined the present manner of conducting business by both the Senate and Assembly in the past sessions of the Legislature, and believe that work could be more effectively done under systems and in the manner that is provided for hereafter.

We are aware that our appointment for the performance of this work comes from the Senate only. We feel, however, that our work would be incomplete should we fail to embody in the rules which we have formulated, and also in the form of record which we have incorporated in this report, full provision for a complete system of legislation. Any suggestions under the theory of the resolution under which we are acting must inevitably come from a continuous body.

We do not desire to officiously intermeddle with the work of the Assembly; we recognize that it is a coordinate branch of the Legislature, possessing all the powers of the State Senate in the matter of providing for its own government and control. Whatever is suggested in these rules for that branch of the Legislature comes simply as a recommendation, and we are persuaded that the distinguished gentlemen who compose that body will not regard our suggestions as an intrusion, but will weigh what we have submitted to them with the same tenor and sincerity as though we were under the direction of that branch of the Legislature.

Many members of the Assembly have given us valuable suggestions, all of which are incorporated in this report.

We are under obligations to many Senators and Assemblymen with whom we have discussed the rules which we submit, and in prosecuting our inquiry we have availed ourselves of every possible source of knowledge, with the sincere desire to submit such a code of rules, and such a method of legislative business, as will inure to the benefit and welfare of the great State we represent.

We have endeavored in our report to cover three essential points:

First—To make more certain what has been done, or what is before the legislative body, and what is proposed to be done.

Second—To provide for a more complete revision of measures.

Third—To consider general legislation in the earlier part of the session, so as not to be crowded during the last few days thereof, thus relieving the Governor of the Herculean task of hastily considering measures that require deliberation.

We would call the attention of the Senate to the report of the special committee, as found in the Journal of 1895, on Tuesday, February 19th, in which is shown the number of employés, the salary paid to each, and various items that is to be considered as a portion of this report. The special committee have described the duties of the various officers and employés of the Senate, and we would recommend that the officers and employés be guided in their duties as set forth in the said report, in so far as it does not conflict with this report.

Under the rules as submitted herewith, it is contemplated that opposition to a measure shall be exercised upon the second reading, and if a majority is opposed to a measure, it shall not be considered after second reading.

Your committee has corresponded with every State and Territory of the United States, as well as nearly every foreign nation, in relation to the subject. In doing so we have been enabled to compare the legislative practice as established in California, and find that, with few exceptions, the mode of conducting legislative business by the California Legislature is better and *simpler* than that in general use.

The pay of officers and attachés is greater than that of most other legislative bodies, and should be reduced. The positions and places are too numerous. From reliable information gathered through statistics furnished, we find that California had a greater number of attachés by from forty to one hundred per cent during the last session of the Legislature than other like bodies of the United States; while the governing bodies in foreign countries in each instance, excepting France, pay a much less per diem to their employés.

In recommending a reduction in the number of employés, as well as the per diem paid, we have estimated a saving to the State of at least \$1,000 per day.

We believe that the work to be done by officers, attachés, and employés can be done as well as heretofore, and the best interests of the State subserved.

We submit a bill herewith, to which reference is made, that we believe should become a law.

Notable changes made therein are the combining of the duties of the Enrolling and Engrossing Clerks in one person, and as there is but little work in this office until the thirtieth day of the session, we recommend that the Assistant Clerks in this office be not elected until that time.

The number of Porters is reduced, as the care of the building is under the direction of the Secretary of State, and Porters are only needed for the care of the Senate and Assembly Chambers, and committee rooms.

The Messengers to Committees are not necessary, as the Sergeant-at-Arms of the respective houses should perform the duties heretofore assigned to Committee Messengers. We therefore make no place for these employés.

It has been demonstrated that a saving in time and labor would be made by the employment of stenographers and typewriters, and we suggest that they be added to the list of attachés.

At the thirty-first session of the Legislature there were employed 322 persons by both houses, at a cost to the State of \$1,603 per day, as follows:

170 employés, etc., in Senate, at a cost of	\$785 00 per day.
152 employés, etc., in Assembly, at a cost of	818 00 per day.

In recommending those that we believe necessary, we have reduced the number two thirds, and the cost thereof in a like manner. The following list of attachés we con-

sider all that are required for the transaction of business, unless in extreme cases, which we have provided for by bill accompanying this report:

<i>Officers and Employés of the Assembly.</i>		Per Diem.
No.	Office.	
1	Clerk of Assembly	\$8 00
3	Assistant Clerks	8 00
1	Sergeant-at-Arms	8 00
1	Assistant Sergeant-at-Arms	6 00
1	Bookkeeper to Sergeant-at-Arms	6 00
1	Minute Clerk	8 00
2	Assistant Minute Clerks	8 00
1	Journal Clerk	8 00
1	Assistant Journal Clerk	6 00
1	Engrossing and Enrolling Clerk	8 00
1	Assistant Engrossing and Enrolling Clerk	6 00
2	Assistant Engrossing and Enrolling Clerks (from the thirtieth day of the session)	6 00
1	History Clerk	8 00
4	Bill Filers	4 00
1	Chaplain	5 00
1	Postmistress	4 00
1	Assistant Postmistress	4 00
1	Mail Carrier (Mailing and Folding Clerk)	3 00
1	Page to Speaker	2 50
6	Pages	2 50
4	Porters	3 00
2	Watchmen (1 night and 1 day)	3 00
3	Gatekeepers	3 00
1	Doorkeeper	3 00
1	Gallery Doorkeeper	3 00
1	Messenger to Printer	3 00
1	Bill Clerk	4 00
2	Assistant Bill Clerks	4 00
10	Committee Clerks	4 00
6	Skilled stenographers and typewriters	5 00
<i>Officers and Employés of the Senate.</i>		
1	Secretary of Senate	8 00
3	Assistant Secretaries	8 00
1	Sergeant-at-Arms	8 00
1	Assistant Sergeant-at-Arms	6 00
1	Bookkeeper to Sergeant-at-Arms	6 00
1	Minute Clerk	8 00
2	Assistant Minute Clerks	8 00
1	Journal Clerk	8 00
1	Assistant Journal Clerk	6 00
1	Engrossing and Enrolling Clerk	8 00
1	Assistant Engrossing and Enrolling Clerk	6 00
2	Assistant Engrossing and Enrolling Clerks (from the thirtieth day of the session)	6 00
1	History Clerk	8 00
2	Bill Filers	4 00
1	Chaplain	5 00
1	Postmistress	4 00
1	Assistant Postmistress	4 00
1	Mail Carrier (Mailing and Folding Clerk)	3 00
1	Page to President of Senate	2 50
4	Pages	2 50
4	Porters	3 00
2	Watchmen (1 night and 1 day)	3 00
3	Gatekeepers	3 00
1	Doorkeeper	3 00
1	Gallery Doorkeeper	3 00
1	Messenger to Printer	3 00
1	Bill Clerk	4 00
1	Assistant Bill Clerk	4 00
10	Committee Clerks	4 00
5	Skilled stenographers and typewriters	5 00

In order to make the Daily Files less cumbersome, and in order, also, to better enable the members of the Legislature to be informed daily of the condition of the matters before either body, we would suggest that a form of Daily History be adopted similar to that in use in some other legislative bodies. In this particular matter we have investi-

gated calendars, files, and histories now in use by all the States and Territories in the United States, as well as in foreign countries, and would recommend the adoption of the accompanying form of history. It will show exactly the position of the bills, resolutions, etc., at the close of the session of the preceding day, and will contain an index showing the name of each Senator or Assemblyman, as the case may be, and the number of each and every bill introduced by him.

In the matter of a General File we would recommend, in order to avoid confusion, that a "Special Order" File be not considered with the Daily File.

In order to lessen the amount of work, as well as the cost of printing the Daily File, we would recommend that all bills, when introduced, be read the first time and referred to committee, and unless a bill receive favorable consideration at the hands of the committee it be not printed, unless ordered by the Senate or Assembly. The amount of estimated cost of bills that are not considered after the first reading makes an item of considerable importance in the printing that is done for the Legislature.

We believe that the size of the bills as used heretofore is not only cumbersome, but printed at too great a cost. We would, therefore, recommend that all bills in the future be printed in smaller form and in the style known as the "chapter form."

In recommending the change of printing of bills in chapter form we have in view the use of files for such bills, and also for the Journal, as are in use in many other legislative bodies, and we have provided for additional Bill Filers in each house, whose duties it shall be to see that all papers placed on the desks of members shall be put in the proper places in the files. By this provision the Weekly Journals can be dispensed with.

If bills were not printed unless favorably considered or recommended by the committee to whom they have been referred, it is estimated by your committee that the saving to the State would be about \$8,000 at each session of the Legislature. (This estimate is based on the cost at the thirty-first session.)

We herewith submit, in this report, a tabulated statement of the cost of printing done for the thirty-first session of the Legislature. It will be noticed that the total cost of printing was \$77,508 63.

In addition to the amount paid for Assistant Engrossing and Enrolling Clerks, the cost of printing engrossed and enrolled bills of the Senate and Assembly was \$7,600.

At the last two sessions of the Legislature, Engrossing and Enrolling Clerks have both been provided for, at a large cost to the State, while the actual work has been performed by the Superintendent of State Printing.

Your committee have framed a set of Joint Rules for the consideration of the Legislature, and trust that they may be adopted. Several changes have been made in the Rules of both the Senate and Assembly, as well as in the Joint Rules.

We find that in addition to the amounts appropriated by the Senate and Assembly for the pay of officers and clerks, there was appropriated for additional attachés and employes not provided for by statute—in the Senate, the sum of \$42,795, and in the Assembly the sum of \$39,275. These amounts are represented in pay to numerous officials that, in the opinion of your committee, could be easily dispensed with.

We recommend that but one Assistant Engrossing and Enrolling Clerk be appointed at the same time as the Enrolling and Engrossing Clerk, and that two additional assistants be appointed on the thirtieth day of the session, at a per diem of \$6.

Heretofore it has been the custom to appoint a clerk for each committee. In some instances, such as the Judiciary and Finance Committees of the Senate, and the Judiciary and Ways and Means Committees of the Assembly, it is necessary to have at least one if not two clerks for each committee, and in almost all other cases your committee believe that it would be proper to assign the work of the committees to ten clerks, who shall be required to perform the duties of the committees to which they have been assigned. In this one item there can be made a saving of \$300 per day.

It will be noticed in the bill recommended by your committee that they have named ten committee clerks as a sufficient number to transact the business of all committees of each house. In doing so they consider the fact that numerous committees really require no clerks, and as several committees meet in the same room and at different hours, it permits of one person attending to the duties of committee clerk. Several committees meeting in one room can receive the proper attention and have their work properly carried out by the employment of the same individual as clerk.

We believe that in the matter of printing rules it would be advisable to adopt a style of binding and form of printing the Rules, Joint Rules, list of Members, Senators, and committees, and other data that would be of advantage to members of the Legislature. We would, therefore, recommend that the proper officials be directed to print, in a convenient size and suitable type, a "vest-pocket form of Rules, Joint Rules, and other matter pertaining to legislative practice," this book to be known as the "California Handbook on Legislative Practice." In recommending that the rules be printed in this form we would call attention that it does away with the cumbersome forms that have been used previously, and permits the Senator having same in his possession the opportunity of referring to the rules without hunting through the vast quantity of printed material that on nearly all occasions lies upon the desk occupied by him in the Senate or Assembly Chamber.

Your committee deem it advisable that bills printed in either branch of the Legislature should not be printed by the other, unless some extraordinary occasion demand same. This will avoid confusion, as well as stop an unnecessary expense. It has been the custom heretofore to introduce the same bill in both houses at the same time, and

when one bill has passed either house and sent to the other, it has been substituted on the file for the identical or corresponding bill introduced in that house. This has, in the past, added confusion and dissension, and caused no little amount of trouble. We believe that the plans we have suggested for the passage of bills are such that progress can be made without any substitution as formerly done.

In reducing the number of members on the Judiciary Committee of the Senate, we have done so with the object in view of placing thereon only such members as are attorneys at law.

Heretofore it has been the custom to have the Journals printed without any marginal notes. We recommend that hereafter the Daily Journal shall have marginal notes referring to matters of importance, or to those matters that may be of use to either the Legislature or to individuals. The reason for recommending this change in the Journal is, that in itself it forms a partial index, and in hunting for record it can be more easily obtained by reference to the margin than by reading the Journal through-out.

We would recommend that the Secretary of the Senate and Clerk of the Assembly be required to keep a book of record, in such form as can be readily understood, showing the date that all bills were sent to committee, as well as time returned from committee; and the Secretary and Clerk shall, at the expiration of the time allotted to the committee for the consideration of any bills, notify the committee holding same, when they have not been returned.

The Committee on Revision has been a factor of great importance and use in other legislative bodies, as in the case of New York, where a commission was appointed by the Legislature of 1895 for the purpose of revising legislative procedure. They recommended by statute a Committee on Revision in each house, with a counsel to each committee.

We have added to the Joint Rules a rule providing that no bill shall be placed upon its final passage until it shall have been printed and distributed at least three hours previous to its consideration.

We also submit a Joint Rule providing for a Committee on Rules and Revision, in both Senate and Assembly, to consist of three members in each house. It is the intention to have all bills submitted to this committee before the third reading and after second reading. It shall be their duty to examine and correct, for the purpose of avoiding repetitions and unconstitutional provisions, and to insure accuracy in the text and references, and consistency with the language of the existing statutes. Such committee shall also report whether the object of the bill can be secured under existing laws. Any changes in the sense or legal effect, or in the construction, shall be reported as a recommendation, and not as an amendment.

The Joint Rules provide that no bills shall be introduced after the fiftieth day of the session, nor shall any bill be presented to the Governor for approval subsequent to the twelfth day preceding the day of adjournment *sine die*, excepting revenue bills, deficiency bills, and bills for claims against the State.

While it would seem that the twelve days preceding the day of adjournment would not be utilized, your committee would suggest that all bills for deficiency in the State government, all bills providing for claims against the State, joint and concurrent resolutions (unless otherwise ordered), the General Appropriation and Tax Levy bills, be deferred until such time for action.

In making this recommendation we believe that it would be an advantage in more ways than one, principally in permitting other bills to be recognized at the first part of the session, and placing the bills enumerated above together, to be acted upon when other bills of different character could not be considered.

We would suggest that certain sections of the Political Code be amended to conform to the rules that are herein offered for your approval.

There shall be printed daily, by the Senate and the Assembly, a History in the following form:

SENATE HISTORY—(Sample).

32d Regular Session California Legislature.

SACRAMENTO, Saturday, February 16, 1897.

Senate Bills.	Senate Bills.
<p>S. B. 1—Mr. Beard—Creating office of County Recorder, and to fix compensation of other officers. Read first time Jan. 15, and to Com. on Judiciary. Reported back with recommendation that it do pass as amended. Minority reports filed. Read second time Jan. 22. Made special order for Monday, Feb. 11, at 2 P. M. Minority report lost Feb. 11. Amendments adopted, ordered engrossed and to third reading to-morrow. Passed Feb. 12. To Assembly Mar. 1.</p>	<p>S. B. 4—Mr. Bert—Amending an Act re-districting the State. Read first time Jan. 15, and to Com. on Elections. Read second time Jan. 22, and to third reading. Indefinitely postponed Feb. 1.</p>
<p>S. B. 2—Mr. Denison—Act repealing Sections 1, 2, 3, 4, 5, 6, for employment of convicts in State Penitentiary, etc. Read first time Jan. 15, and to Com. on State Prisons. Reported back with recommendation that it do pass Jan. 29, and to a third reading to-morrow. Read second time Jan. 22. Ordered on special file Jan. 22. Passed Jan. 31.</p>	<p>S. B. 5—Mr. Franck—Providing for the recording of sales and leases of personal property. Read first time Feb. 4 and referred to Com. on Judiciary. Read second time Feb. 5. Reported back with the recommendation that it do pass Feb. 14.</p>
<p>S. B. 3—Mr. Aram—Providing for the issuance of bonds and the improvement of streets. Read first time Jan. 15, and to C. & T. G. Com. Reported back with recommendation that it do pass as amended and engrossed Feb. 1, and ordered to third reading to-morrow. Read second time Jan. 22. Judiciary Jan. 22. Passed Feb. 5.</p>	<p>S. B. 6—Mr. Mahoney—Repealing an Act entitled "An Act to provide State Boards of Equalization, etc." Read first time Jan. 15, and to Com. on Judiciary. Read second time Jan. 22. Reported back that it do pass Jan. 26. Engrossed, ordered to third reading. Minority report filed Jan. 26. Ordered third reading be reconsidered, minority report ordered printed, and bill to lie on table.</p>

The following shall be the form of Daily File to be used by the Senate and Assembly, and the order in which bills shall be placed upon file, unless otherwise ordered by a two-thirds vote:

SENATE (OR ASSEMBLY) DAILY FILE.

32D SESSION CALIFORNIA LEGISLATURE, THURSDAY, JANUARY 14, 1897.

Position.	Number.	Author.	Title.	Committee.	Recommendation of Committee.	Action.
<i>Special Orders.</i>						
	1	1 Beard	Creating office of County Recorder, and to fix compensation of other officers	Judiciary	Do pass as amended	Read 2d time. S. O. 2 P. M. Feb. 11.
<i>Special File.</i>						
	2	2 Denison	Act repealing Secs. 1, 2, 3, 4, 5, 6, for employment of convicts in State Penitentiary, etc.	State Prisons	Do pass, Jan. 29. 3d reading tomorrow	Ordered on Special File Jan. 22.
<i>Third Reading of Bills.</i>						
	3	3 Aram	Providing for issuance of bonds and the improvement of streets	Judiciary	Do pass as amended	Jan. 22 read 2d time.
<i>Second Reading of Bills.</i>						
	4	4 Bert	Amending an Act re-districting the State	Elections	Indefinitely postponed	Jan. 19 read 1st time.

File to be considered after fiftieth day of session:

1. Joint Resolutions.
2. Bills making appropriations for deficiency in any State department.
3. Bills providing for payment of claims.
4. General Appropriation Bill.
5. Tax Levy Bill.

The following "Act" is, in part, the same as one passed at the thirty-first session of the Legislature, but not signed by the Governor, who gave as a reason that your committee would, in its report, provide for the number of officers that should be employed, and the compensation they should receive:

AN ACT TO AMEND SECTIONS 237, 245, 246, AND 268 OF AN ACT ENTITLED "AN ACT TO ESTABLISH A POLITICAL CODE," APPROVED MARCH 12, 1872, RELATING TO THE OFFICERS AND EMPLOYÉS OF THE LEGISLATURE.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and thirty-seven of the Political Code is hereby amended so as to read as follows:

Section 237. The Secretary of the Senate and the Assistant Secretaries, the Clerk of the Assembly and the Assistant Clerks, the Minute Clerk and one assistant of each house, the Sergeant-at-Arms and the Assistant Sergeant-at-Arms of each house, the Postmistress, but not her assistant, of each house, three Gatekeepers of each house, and three Pages of each house, all excepting the Sergeant-at-Arms to be specified by the Secretary and Clerk for any session, shall, at the next succeeding session of the Legislature, perform the duties of their offices until their successors are elected and qualified, and the employment of all other officers and employés of any session shall terminate with such session.

SEC. 2. Section two hundred and forty-five of the Political Code is hereby amended so as to read as follows:

Section 245. The officers and employés of the Senate shall consist of a President, a President pro tem., a Secretary, three Assistant Secretaries (who shall be appointed by the Secretary, by and with the advice and consent of the Senate), one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Bookkeeper for the Sergeant-at-Arms (who shall be appointed by the Sergeant-at-Arms, by and with the advice and consent of the Senate), one Minute Clerk, two Assistant Minute Clerks, one Journal Clerk, one Assistant Journal

Clerk, one Engrossing and Enrolling Clerk, one Assistant Engrossing and Enrolling Clerk (to be elected at the same time and in the same manner as the Engrossing and Enrolling Clerk is elected), and two Assistant Engrossing and Enrolling Clerks (to be elected on the thirtieth day of the session), two Bill Filers, a Chaplain, one Postmistress, one Assistant Postmistress, one Mail Carrier (who shall be Mailing and Folding Clerk), one Page to the President of the Senate, four Pages, four Porters (one of whom shall have charge of the cloakroom), two Watchmen, three Gatekeepers, one Doorkeeper, one Gallery Doorkeeper, one Messenger to the State Printer, one History Clerk, one Bill Clerk, one Assistant Bill Clerk, ten Committee Clerks (to be assigned to committees actually requiring the use of a clerk), five skilled stenographers (who shall be typewriters and who shall be at the service of the Senate, its members, and its committees, and under the supervision of the Secretary of the Senate); and no other officers, employés, or attachés, excepting that the Secretary may employ at any time temporary employés, with the consent of four fifths of the members elected to the Senate.

SEC. 3. Section two hundred and forty-six of the Political Code is hereby amended so as to read as follows:

Section 246. The officers and employés of the Assembly shall consist of a Speaker, a Speaker pro tem., one Chief Clerk, three Assistant Clerks (who shall be appointed by the Chief Clerk, by and with the advice and consent of the Assembly), one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Bookkeeper to the Sergeant-at-Arms (who shall be appointed by the Sergeant-at-Arms, by and with the advice and consent of the Assembly), one Minute Clerk, two Assistant Minute Clerks, one Journal Clerk, one Assistant Journal Clerk, one Engrossing and Enrolling Clerk, one Assistant Engrossing and Enrolling Clerk (to be elected at the same time and in the same manner as the Engrossing and Enrolling Clerk is elected), and two Assistant Engrossing and Enrolling Clerks (to be elected on the thirtieth day of each session), four Bill Filers, a Chaplain, one Postmistress, one Assistant Postmistress, one Mail Carrier (who shall be Mailing and Folding Clerk), one Page to Speaker, six Pages, four Porters (one of whom shall have charge of the cloakroom), two Watchmen, three Gatekeepers, one Doorkeeper, one Gallery Doorkeeper, one Messenger to the Printer, one History Clerk, one Bill Clerk, two Assistant Bill Clerks, ten Committee Clerks (to be assigned to committees actually requiring the use of a clerk), six skilled stenographers (who shall be typewriters, and who shall be at the service of the Assembly, its members, and its committees, and under the supervision of the Clerk); and no other officers, employés, or attachés are to be employed, excepting that the Clerk may employ at any time temporary employés, with the consent of four fifths of the members elected to the Assembly.

SEC. 4. Section two hundred and sixty-eight of the Political Code is hereby amended so as to read as follows:

Section 268. There shall be paid to the officers and employés of the Senate the following salaries: To the Secretary, Assistant Secretaries, Sergeant-at-Arms, Minute Clerk, Assistant Minute Clerks, Journal Clerk, Engrossing and Enrolling Clerk, and History Clerk, each eight dollars per day; to Assistant Sergeant-at-Arms, Bookkeeper to Sergeant-at-Arms, Assistant Journal Clerks, Assistant Engrossing and Enrolling Clerks, each six dollars per day; to the Chaplain and stenographers, each five dollars per day; to the Bill Clerks, Committee Clerks (excepting that one Clerk of the Judiciary Committee and one Clerk of the Finance Committee shall receive each six dollars per day), Postmistress, Assistant Postmistress, Bill Filers, each four dollars per day; to the Mail Carrier, Porters, Watchmen, Gatekeepers, Doorkeepers, Messenger to the Printer, each three dollars per day; to each Page, two dollars and fifty cents per day. There shall be paid to the officers and employés of the Assembly the following salaries: To the Clerk, Assistant Clerks, Sergeant-at-Arms, Minute Clerk, Assistant Minute Clerks, Journal Clerk, Engrossing and Enrolling Clerk, and History Clerk, each eight dollars per day; to the Assistant Sergeant-at-Arms, Bookkeeper to Sergeant-at-Arms, Assistant Journal Clerks, Assistant Engrossing and Enrolling Clerks, each six dollars per day; to the Chaplain and stenographers, each five dollars per day; to the Committee Clerks (except that one Clerk of the Ways and Means Committee, and one Clerk of the Judiciary Committee shall each receive six dollars per day), Bill Clerks, Postmistress, Assistant Postmistress, Bill Filers, each four dollars per day; to the Mail Carrier, Committee Messengers, Porters, Watchmen, Gatekeepers, Messenger to the Printer, each three dollars per day; to each Page, two dollars and fifty cents per day. And no other officer or employé of the Senate or Assembly, whose per diem is not hereinbefore fixed, shall receive a per diem exceeding the sum of five dollars.

COMPARATIVE STATEMENT OF PAY OF LEGISLATIVE EMPLOYÉS.

State.	Secretary or Clerk.	Other Officers.
North Dakota	\$8 per day	\$2 to \$6 per day.
Maine	\$1,100 per annum	\$75 to \$300 per annum.
Missouri	\$5 per day	\$1 to \$4 per day.
Utah	\$6 per day	\$4 to \$5 per day.
Kansas	\$5 per day	\$3 per day.
Connecticut	\$1,200, Secretary } \$1,000, Clerk }	\$2 per day to \$600 per annum.
Colorado	\$6 per day	\$2 to \$5 per day.
California	\$8 per day	\$2 50 to \$8 per day.

The following is a statement of amounts appropriated and used for expenses of Senate and Assembly at thirty-first session, exclusive of pay of Senators and Assemblymen:

SENATE.				
	Appropriation.			Amt. Drawn.
Pay of officers, etc.....	\$7,500 00			\$6,882 00
Contingent expenses.....	55,000 00	{ Payroll .. \$42,785 00 }		55,000 00
		{ Con. Exp. 12,215 00 }		
	<u>\$62,500 00</u>			<u>\$61,882 00</u>
ASSEMBLY.				
	Appropriation.			Amt. Drawn.
Pay of officers, etc.....	\$8,500 00			\$7,540 00
Contingent expenses.....	64,000 00	{ Payroll .. \$39,275 00 }		62,359 19
		{ Con. Exp. 23,084 19 }		
	<u>\$72,500 00</u>			<u>\$69,899 19</u>
Total amount of contingent expense and pay roll for Senate and Assembly:				
Senate.....				\$61,882 00
Assembly.....				69,899 19
				<u>\$131,781 19</u>

D. L. WITHINGTON,
J. H. SEAWELL,
F. C. FRANCK, Committee.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendments were introduced, read first time, and referred to committees, indicated:

By Senator Aram: Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupation.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Doty: Senate Bill No. 371—An Act making an appropriation for improving the Capitol buildings and grounds.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Langford: Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads.

Referred to the Committee on Judiciary.

By Senator Boyce: Senate Bill No. 374—An Act to Amend an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote horticultural interests of the State,'" approved March 19, 1889.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Linder: Senate Bill No. 375—An Act to amend Section 3446 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the formation of reclamation districts.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 376—An Act to amend Section 5 of an Act entitled "An Act regulating the sale of the lands uncovered by the

recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 377—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, by amending Section 173 thereof, relating to counties of the eleventh class.

Referred to the Committee on County Government and Township Organization.

By Senator Henderson: Senate Bill No. 378—An Act to prevent the use of paranzella or dragnet in the waters of this State.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

By Senator Feeney: Senate Bill No. 379—An Act to regulate the business of running and conducting sleeping-cars for profit over railroads within the State of California, and to provide a penalty for the violation of the provisions of this Act.

Referred to the Committee on Corporations.

Also: Senate Bill No. 380—An Act relating to telephone and electric light, heat, and power companies.

Referred to the Committee on Corporations.

By Senator Mahoney: Senate Bill No. 381—An Act to add a new section to the Penal Code, to be known and numbered Section 655, relating to dealing in options.

Referred to the Committee on Judiciary.

By Senator Jones: Senate Bill No. 382—An Act to empower the legislative body of any incorporated city or town within the State of California to levy taxes, and expend the same, in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 383—An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote horticultural interests of the State,'" approved March 14, 1881; approved March 19, 1889; approved March 31, 1891.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Toner: Senate Bill No. 384—An Act to prohibit the officers and employés of banks and banking corporations from borrowing the funds thereof.

Referred to the Committee on Banks and Banking.

Also: Senate Bill No. 385—An Act prohibiting the use of barbed-wire fence along public highways.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Bulla: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, relative to revenue and taxation.

Referred to the Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 21—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by amending Section 1, Article VI thereof, relating to the judiciary, by providing for the establishing of intermediate courts.

Referred to the Committee on Constitutional Amendments.

By Senator Stratton: Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Referred to the Committee on Banks and Banking.

By Senator Shippee: Senate Bill No. 387—An Act making an appropriation for the construction of a cement floor in the basement of the State Normal School building at Chico.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 388—An Act making an appropriation for a fence in front of the grounds of the State Normal School building at Chico.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Braunhart: Senate Bill No. 390—An Act to amend Section 60 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893.

Referred to the Committee on County Government and Township Organization.

RESOLUTIONS.

Senator Bulla offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. H. Watkins for the sum of \$40, for services rendered in engrossing Senate memorial resolutions to the late Lieutenant-Governor Spencer G. Millard and the late Senator Noble Martin; said warrant to be drawn upon the contingent expenses of the Senate; and the Treasurer is hereby directed to pay the same.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Withington offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of F. J. Brandon, Secretary of Senate, for the sum of \$396 60, payable out of the Contingent Fund of the Senate, for 250 Keystone files and expressage on same, as per accompanying bill:

MR. F. J. BRANDON, <i>Secretary Senate, to H. S. Crocker Co., Dr.:</i>	
250 Keystone files, @ \$1 50	\$375 00
Telegram east	3 00
Expressage, \$7 20, \$11 40	18 60
Total	\$396 60

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, pre-

scribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Senate Bill No. 6 re-referred to the Committee on Finance, but to retain its place on file.

Senate Bill No. 42—An Act to provide for the adoption of children maintained in any orphan asylum or orphans' home in this State.

During the second reading of the bill the following committee amendments were read:

Amend title by inserting the words "or children's" before the word "home" in printed bill.

Amendment adopted.

Amend Section 1, line 2, of printed bill, by inserting the words "or children's" before the word "home."

Amendment adopted.

Amend Section 2, line 2, of printed bill, by inserting the words "or children's" before the word "home."

Amendment adopted.

Senator Bulla moved to amend as follows:

Strike out of Section 3, line 1, the figure "4," and insert in lieu thereof the figure "3."

Amendment adopted.

Bill read second time, ordered to print and engrossment, and on file for third reading.

Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estate and discharge of executors and administrators.

During the second reading of the bill, the following committee amendment was read:

Amend by inserting after the title the words "The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print and engrossment, and on file for third reading.

Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 46—An Act entitled an Act to amend Section 883 of an Act entitled "An Act to establish a Code of Civil Procedure, relating to trials by jury in Justices' Courts," approved March 11, 1872.

During the second reading of the bill, Senator Dickinson moved to strike out the enacting clause.

Motion lost.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of

which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That the Senate Committee on Elections be and they are hereby authorized to send for and require the attendance of witnesses, and that such witnesses be required to produce any documents, papers, ballots, or other written instruments, all as such committee may deem necessary or proper.

Resolution adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That G. B. Baer be allowed the sum of \$25 for five days' services as Clerk of the Committee on Attachés, Contingent Expenses, and Mileage, from January 5th to January 10th, and that George T. Brown be allowed the sum of \$6 for two days' services as Gatekeeper, under temporary organization of the Senate. The Controller is hereby directed to draw his warrants for said amounts upon the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Dickinson, Dwyer, Feeney, Flint, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Simpson, Stratton, Toner, Trout, and Wolfe—21.

NOES—Senators Brauhnart, Bulla, Chapman, Denison, Doty, Franck, Gillette, La Rue, Morehouse, Prisk, Seawell, and Withington—12.

ADJOURNMENT.

At eleven o'clock and twenty-eight minutes A. M., the Senate, on motion of Senator Simpson, adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 20, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Shine, on account of illness, was granted a leave of absence for the day, on motion of Senator Mahoney.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

ANNOUNCEMENT.

The President announced that he had received by mail papers in the matter of contest of election entitled "Chandler vs. Feeney," which he would hand to the Secretary, to be assigned by him to the Committee on Elections.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FRANCK, Chairman.

Senate Bill No. 177 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept.

Also: Senate Bill No. 111—An Act to amend Section 1093 of the Penal Code, relating to order of trial.

Also: Senate Bill No. 112—An Act to amend Section 1137 of the Penal Code, relating to papers a jury may take when retiring.

Also: Senate Bill No. 113—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Also: Senate Bill No. 114—An Act to amend Section 1127 of the Penal Code, relating to charging the jury.

Also: Senate Bill No. 115—An Act to amend Section 612 of the Code of Civil Procedure, relating to papers a jury may take when retiring.

Also: Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SIMPSON, Chairman.

Senate Bills Nos. 107, 111, 112, 113, 114, 115, 116, and 33 ordered on file for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments; and Senate Bill No. 46—An Act entitled "An Act to amend Section 883 of an Act entitled 'An Act to establish a Code of Civil Procedure, relating to trials by jury in Justices' Courts,'" approved March 11, 1872—have examined the same, and find the same correct in text and reference, and containing no unconstitutional provisions.

Also: Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces—have examined the same, and find the same correct in text and reference, and containing no unconstitutional provisions, excepting that in line three of the bill, the same should be amended by inserting the words "Section 61" before the words "a subsequent marriage." They would therefore recommend that Senator Bulla be appointed a special committee of one, to whom the bill shall be recommitted, with instructions to insert the amendment proposed.

WITHINGTON, for the Committee.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 14—Entitled an Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 35—Entitled an Act to authorize cities and towns owning public parks outside of their limits, to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities or towns to, into, and through such parks, and to acquire lands for that purpose.

Also: Senate Bill No. 36—Entitled an Act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

Also: Senate Bill No. 37—Entitled an Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns leading to public parks owned thereby.

Also: Senate Bill No. 63—Entitled an Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GILLETTE, Chairman.

Senate Bills Nos. 14, 35, 36, 37, and 63 ordered on file for second reading.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Committee on Finance.

Also: Senate Bill No. 163—An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition, to be held in the City

of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

Also: Senate Bill No. 79—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SHIPPEE, Chairman.

Senate Bills Nos. 135 and 79 ordered on file for second reading.

Senate Bills Nos. 100 and 163 referred to the Committee on Finance.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 154—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

Also: Senate Bill No. 157—An Act to appropriate the sum of \$300 to pay the claim of A. L. Wood for the capture of Francisco Torres—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BULLA, Chairman.

Senate Bill No. 154 referred to the Committee on Judiciary.

Senate Bill No. 157 ordered on file for second reading.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Joint Resolution No. 6—Relative to the establishment of a national leper asylum by the Government of the United States—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

ARAM, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on Finance has had under consideration Senate Bill No. 58—An Act to appropriate money for the erection of a monument upon the plot of ground belonging to the Sacramento Association of Veterans of the Mexican War, situate in the City Cemetery of Sacramento, and for the improvement of said grounds.

Your committee is not unmindful of the great service rendered to the State of California by the veterans of the Mexican War, and is in full sympathy with that sentiment of patriotism which aims to preserve the memory of their achievements, but your committee deem it unwise to recommend the appropriation herein sought, as it contemplates the building of a monument by the State on a plot of ground not owned by the State, and places the custody of the monument in a local association. Should the allowance of public money be made, Mexican War veterans residing in counties other than Sacramento could with equal justice ask the State for appropriations in behalf of their respective associations.

Your committee is therefore constrained to report the bill back, and recommend that it do not pass.

VOORHEIS, Chairman.

Senate Bill No. 58 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Concurrent Resolution No. 1, and presented the same to the Governor on this day, at ten o'clock and forty minutes A. M.

JONES, Chairman.

ASSEMBLY MESSAGES.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 19th day of January adopted the following: Senate Joint Resolution No. 9, relative to Nicaragua Canal.

Also: On the 18th day of January passed Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

Also: On January 19, 1897, adopted Assembly Joint Resolution No. 12—Relative to declaration of legal holiday upon defeat of the funding bill in Congress.

Also: On the 20th day of January passed Assembly Bill No. 263—An Act making an appropriation for the support of the State Printing Office for the forty-eighth fiscal year.

S. J. DUCKWORTH, Chief Clerk.

Senate Joint Resolution No. 9 ordered to enrollment.

Assembly Bill No. 17 read first time, and referred to the Committee on Labor and Capital.

Assembly Joint Resolution No. 12 referred to the Committee on Judiciary.

Assembly Bill No. 263 read first time, and referred to the Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Bert: Senate Bill No. 391—An Act to prohibit the keeping, maintaining, and employing the device known as "nickel-in-the slot machine," or other similar device or devices for the hazarding of any money, or for the disposal of, or promise to dispose of, any liquor, cigars, or other commodities, or any valuable article or thing of whatsoever nature.

Referred to the Committee on Education and Public Morals.

By Senator Bulla: Senate Bill No. 392—An Act to amend Section 499 of the Civil Code, relating to street railways operated under different managements.

Referred to the Committee on Corporations.

By Senator Simpson: Assembly Bill No. 393—An Act to amend Sections 1817 and 1818 of the Political Code, relating to the public schools.

Referred to the Committee on Education and Public Morals.

By Senator Trout: Senate Bill No. 394—An Act to provide for the payment of the claim of D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 395—An Act to amend Sections 1577, 1579, and 1581 of the Political Code, relating to the public schools.

Referred to the Committee on Education and Public Morals.

By Senator Voorheis: Senate Bill No. 396—An Act to amend "An Act amendatory of an Act entitled 'An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining,'" approved March 30, 1874.

Referred to the Committee on Mines, Drainage, and Mining Debris.

By Senator Langford: Senate Bill No. 397—An Act appropriating

money to provide for the erection and furnishing of a residence for the Medical Superintendent of the State Insane Asylum at Stockton, California.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 398—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Chapman: Senate Bill No. 399—An Act making an appropriation for the purpose of constructing a reservoir, and laying and maintaining a line of pipe from said reservoir to the Marshall monument, and for other purposes.

Referred to the Committee on Finance.

Also: Senate Bill No. 400—An Act making an appropriation to pay the claim of F. M. Millikan for publishing delinquent purchasers of State school lands.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 401—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act.

Referred to the Committee on Finance.

By Senator Doty: Senate Bill No. 402—An Act to establish the fees of County Clerks and of jurors in this State.

Referred to the Committee on Judiciary.

By Senator Smith: Senate Bill No. 403—An Act to amend Section 3608 of the Political Code of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 404—An Act to add a new section to the Political Code, to be known as Section 3609 thereof, relating to the general revenue of this State, and to property liable to taxation for the purpose of revenue.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 406—An Act to amend Section 3629 of the Political Code, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

Referred to the Committee on Education and Public Morals.

By Senator Androus: Senate Bill No. 408—An Act to appoint a com-

mittee to locate a penitentiary at some point in San Diego, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Tulare, Fresno, Kings, Kern, San Benito, or Inyo County.

Referred to the Committee on State Prisons and Prison Buildings.

By Senator Dickinson: Senate Bill No. 409—An Act to amend Section 718 of the Civil Code of the State of California, relative to leases of city lots.

Referred to the Committee on Judiciary.

By Senator Pedlar: Senate Bill No. 410—An Act relating to estray domestic animals, to the taking up of such animals, and providing for the care of such, and for the payment of compensation for the taker-up, and the cost of proceedings, and the sale of such estray animals.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Bert: Senate Bill No. 411—An Act to prohibit attorneys at law from becoming sureties on bail bonds in any of the courts of this State for the release or discharge of any person arrested or charged with the commission of any crime or misdemeanor, and prescribing the penalty therefor.

Referred to the Committee on Judiciary.

By Senator Boyce: Senate Bill No. 412—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Referred to the Committee on Judiciary.

SENATE JOINT RESOLUTION.

Senator Bulla offered the following, and moved its adoption:

SENATE JOINT RESOLUTION No. 10.

Relating to foreign immigration and proper restriction thereof.

WHEREAS, Immigration to the United States of the illiterate, pauper, and criminal classes of other countries has grown to such proportions as to seriously endanger the interests of our people, and even threaten the perpetuity of our institutions; and

WHEREAS, There is now pending in Congress proposed legislation for the correction of this rapidly growing evil; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives be earnestly requested, to vote for, and use all honorable means to secure the passage of, such pending measures as they deem best fitted to secure proper and sufficient restriction of foreign immigration, to the end that the interests of our people shall be adequately protected, and the blessings of free government be maintained and assured.

Resolution read.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—34.

NOES—None.

On motion of Senator Bulla, Senate Joint Resolution No. 10 was ordered immediately transmitted to the Assembly.

RESOLUTIONS.

Senator Denison offered the following resolution, which was read:

Resolved, That the Chairman of each of the committees, to wit: Finance, Hospitals, and Public Buildings other than Prison Buildings, be and they are hereby authorized

and empowered to appoint from each of said committees three members, which, together with the Chairmen of said committees, shall be a committee to visit the various public buildings of this State and report the condition and needs thereof to this Senate, and they shall, each of the members of said committee so appointed, be allowed their actual expenses, in lieu of mileage, as heretofore.

Senator Denison moved its adoption.

Senator Seawell moved to amend the resolution by striking out the words "three members" and inserting in lieu thereof the following: "Such members as he may deem necessary."

Amendment adopted.

The roll was called, and the resolution as amended adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Toner, Voorheis, and Wolfe—33.

NOES—Senators Stratton and Trout—2.

Senator Denison offered the following resolution, which was read:

Resolved, That the Controller be directed to draw his warrant in favor of the Postal Telegraph Company for the sum of \$28 46, payable out of the Contingent Fund of the Senate, in payment of telegraphing resolutions to Washington, under directions of the Senate, on January 6th, as per accompanying bill:

SACRAMENTO, CAL., January 20, 1897.

California State Senate, in account with Pacific Postal Telegraph Cable Company:

January 6—Telegram to Hon. Stephen M. White, Washington.....	\$14 23
January 6—Telegram to Hon. George C. Perkins, Washington.....	14 23
	<hr/>
	\$28 46

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Voorheis offered the following resolution, and moved its adoption:

Resolved, That the President pro tem. of the Senate be and is hereby appointed a member of all the standing committees of the Senate.

Resolution adopted.

Senator Boyce offered the following resolution, and moved its adoption:

WHEREAS, Sound men are best qualified for passing sound laws, and the people of the State of California are vitally interested in the health and physical condition of legislators while engaged in their duties; be it

Resolved, That a special committee, consisting of the Lieutenant-Governor and two Senators, whom he may select and name, be and is hereby empowered to investigate into and inquire as to the necessity and utility of improving the sanitary conditions of this chamber, and they are directed to consult with the Secretary of State and report to this body on or before February 1st as to the best method for heating, ventilating, and improving the condition of said chamber, the cost thereof, and advantages to accrue therefrom.

Resolution read and adopted.

WITHDRAWAL OF BILL.

Senator Withington asked unanimous consent that Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and

improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act—be withdrawn from the Committee on Rules and Revision and be re-referred to the Committee on Judiciary, and that the bill retain its place on file.

There being no objection, the withdrawal and re-reference were ordered.

RESOLUTION.

Senator Dickinson offered the following resolution, which was read.

Resolved, That the Sergeant-at-Arms be instructed to purchase two dozen Globe union files.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Senate Bill No. 6 passed on file, but to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

Senate Bill No. 155, on motion of Senator Withington, was re-referred to the Committee on Finance, but to retain its place on file.

Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Senate Bill No. 2 read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities.

Senate Bill No. 9 read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 17—An Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof.

Senate Bill No. 17 read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 18—An Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings, in counties, and cities and counties, of one hundred thousand inhabitants and over.

During the second reading of Senate Bill No. 18, Senator Bulla proposed to amend Section 1. Whereupon Senator Bert moved that Senate Bill No. 18 be passed on file, for consideration to-morrow.

Motion carried.

Senate Bill No. 60—An Act conferring power upon the governing body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Senate Bill No. 60, on motion of Senator Dwyer, passed on file, to be considered to-morrow.

RECONSIDERATION.

Senator Braunhart asked unanimous consent for the reconsideration of the vote whereby Senate Bill No. 17—An Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof—was considered engrossed and ordered on file for third reading.

Consent granted, and the President announced that Senate Bill No. 17 was before the Senate on second reading.

Whereupon Senator Braunhart offered a substitute for the bill, and moved that the consideration of the bill and the substitute be made a special order for Friday, January 22, 1897, immediately after roll call.

There being no objection, such was the order.

Senate Bill No. 75—An Act to amend subdivision 9 of Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 75 was, on motion of Senator Dickinson, re-referred to the Committee on City, City and County, and Town Governments, for the purpose of having the bill so amended as to conform with the requirements of the Constitution, the bill to retain its place on file.

Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

Senate Bill No. 16 read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At eleven o'clock and fifty-two minutes A. M., the Senate, on motion of Senator Mahoney, adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 21, 1897.

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Shine, on account of illness, was granted leave of absence for the day, on motion of Senator Mahoney.

Senator Chapman was granted leave of absence for the day, on motion of Senator Holloway.

APPROVAL OF JOURNALS.

The Journals of Monday, January 18, 1897, and Tuesday, January 19, 1897, were approved.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced that, in compliance with the resolution offered by Senator Boyce, adopted on yesterday, he appointed, to act with himself on the special committee to inquire into the sanitary condition of the Senate Chamber and recommend a better method for heating and ventilating the same, Senators Boyce and Flint.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 263—An Act making an appropriation for the support of the State Printing Office for the forty-eighth fiscal year—have had the same under consideration. The State Printer appeared before the committee and stated that the amount of \$75,000 was necessary to defray the actual expenses of the State Printing Department until the expiration of the forty-eighth fiscal year, June 30, 1897. Your committee deem it proper to recommend the necessary appropriation in one sum, rather than that the time of the Senate should be taken in considering several bills on the same subject. The committee have amended the bill, and respectfully report the same back, recommending that it do pass as amended.

Also: Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing, and maintaining, taking down and returning, an exhibit of the products of the State of California at the Tennessee Centennial Exposition, to be held in Nashville, in 1897, and to provide for a commission, secretary of commission, and for the pay of the secretary thereof.

Also: Senate Bill No. 163—An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition, to be held in the City of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner and

the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.

Also: Senate Bill No. 266—An Act making an appropriation to pay the expenses of electors of President and Vice-President of the United States of America.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 309—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed, and materials furnished, under a contract with Guy H. Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street law of this State.

Also: Senate Bill No. 327—An Act appropriating the sum of forty-nine thousand six hundred and nine dollars (\$49,609) for a thorough system of ventilation for the Capitol building, and the remodeling and ventilation of the water-closets therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

Also: Senate Bill No. 258—An Act to appropriate \$5,000 for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

VOORHEIS, Chairman.

Assembly Bill No. 263, and Senate Bills Nos. 138, 163, and 266 ordered on file for second reading.

Senate Bills Nos. 309 and 327 re-referred to the Committee on Public Buildings other than Prison Buildings.

Senate Bills Nos. 259 and 258 re-referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 7—Proposing an amendment to Section 1 of Article XIV of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities, or cities and counties, having a population of one hundred thousand inhabitants and over, or the inhabitants thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 7½, Article XI, thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 11—Proposed amendment to Section 7 of Article I of the Constitution, relative to juries—have had the same under consideration, and respectfully report the same back, and recommend, by a vote of three to two, that it be adopted—Senators Henderson and Bert of the committee voting no, and expressing a desire that the report of the committee so state.

BERT, Chairman.

Senate Constitutional Amendments Nos. 7, 10, and 11 ordered on file, to be considered during the last twelve days of this session.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 32—An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make or give to the Assessor a statement of his property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 55—An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use,

or in which they may have any interest, to prescribe a course of procedure therefor, to indemnify purchasers at such sale, and to direct how the proceeds shall be applied.

Also: Senate Bill No. 120—An Act to legalize certain acknowledgments.

Also: Senate Bill No. 122—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663 and 663½, respectively, providing for the setting aside of a judgment of a Superior Court, and the rendition of a new judgment without a new trial.

Also: Senate Bill No. 123—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Also: Senate Bill No. 126—An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 32, 55, 120, 122, 123, and 126 ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto—have had the same under consideration, and herewith offer a substitute for Senate Bill No. 65, and recommend that the substitute do pass.

Also: Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889; and to amend also the amendment to Section 7 of said Act, approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GILLETTE, Chairman.

Senate Bills Nos. 65 and 13 ordered on file for second reading.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 121—An Act to pay the claim of George A. Sturtevant for services rendered as District Attorney of Mendocino County in foreclosing certificates of purchase of State school lands, and appropriating money to pay the same.

Also: Senate Bill No. 201—An Act making an appropriation to pay the claim of James McClatchy & Company, publishers of the Bee, for advertising the constitutional amendments.

Also: Senate Bill No. 202—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Also: Senate Bill No. 204—An Act making an appropriation to pay the claim of the Daily Report Publishing Company, for advertising the constitutional amendments.

Also: Senate Bill No. 231—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Also: Senate Bill No. 239—An Act making an appropriation to pay the claim of the Examiner, for advertising the constitutional amendments.

Also: Senate Bill No. 240—An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BULLA, Chairman.

Senate Bills Nos. 121, 201, 202, 204, 231, 239, and 240 re-referred to the Committee on Finance.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of F. J. Brandon, Secretary of Senate, for the sum of \$396 60, payable out of the

Contingent Fund of the Senate, for 250 Keystone files and expressage on same, as per accompanying bill:

MR. F. J. BRANDON, *Secretary Senate, to H. S. Crocker Co., Dr.:*

250 Keystone files, @ \$1 50.....	\$375 00
Telegram east.....	3 00
Expressage, \$7 20, \$11 40.....	18 60
Total	\$396 60

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—35.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. H. Watkins for the sum of \$40, for services rendered in engrossing Senate memorial resolutions to the late Lieutenant-Governor Spencer G. Millard and the late Senator Noble Martin; said warrant to be drawn upon the contingent expenses of the Senate; and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 20, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance.

Also: Senate Bill No. 90—An Act for the relief of district agricultural associations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 50—An Act defining the different grades of cheese, and for branding the same, manufactured in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute as prepared by committee do pass, and be referred to the Committee on Finance.

SHIPPEE, Chairman.

Senate Bills Nos. 53 and 182 re-referred to the Committee on Finance.
Senate Bills Nos. 90 and 50 ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments—have had the same under consideration, and respectfully report the same back, and recommend that said bill be referred to the Committee on Judiciary.

BOYCE, Chairman.

Senate Bill No. 274 re-referred to the Committee on Judiciary.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 8—Relative to a protective tariff on asphaltum—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

JOINT RESOLUTION.

Senator Wolfe moved the adoption of the following resolution:

SENATE JOINT RESOLUTION No. 8.

WHEREAS, The asphalt business of the United States is becoming one of the important industries of the country, and the improvement of streets and highways of the greatest importance to the public health and comfort; and

WHEREAS, The asphalt used in such improvements is obtained principally from foreign lands, amounting approximately to one hundred thousand tons per annum, paying to foreign countries large royalties and export charges; and

WHEREAS, Within the confines of the United States, and particularly in the State of California, there exist inexhaustible deposits of asphalt of the highest quality, and, if protection is given to this domestic industry, it may be developed to such an extent as to supply a large amount of the asphalt used within the United States; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed, and our Representatives be earnestly requested, to use their best endeavors to have adequate protection to the asphalt interests inserted in the new tariff bill now being prepared, and that the Secretary of the Senate be and is hereby instructed to transmit to our Senators, Representatives, and Representatives-elect, a copy of these resolutions.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—24.

NOES—Senators Braunhart, Doty, Dwyer, Hall, La Rue, Prisk, and Seawell—7.

On motion of Senator Androus, the resolution was ordered immediately transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

Senator Simpson offered the following resolution:

Resolved, That Mrs. H. B. Weller be allowed the sum of \$35, in payment of services as Janitress of the Senate for seven days ending January 10, 1897, or during the temporary organization of the Senate, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 24—An Act fixing the minimum rate of compensation for labor on public work.

Also: Senate Bill No. 27—An Act to prevent collusion between employers of labor and employment agents.

Also: Senate Bill No. 70—An Act to provide for the employment of citizens of the United States upon public works within this State.

Also: Senate Bill No. 62—An Act amending Section 3245 of the Political Code, relating to labor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries.

Also: Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

Also: Senate Bill No. 74—An Act to protect citizens in their civil rights.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

MOREHOUSE, Chairman.

Senate Bills Nos. 24, 27, 70, 62, 69, 73, and 74 ordered on file for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California in San Francisco—have examined the same, and report that the object cannot be secured under existing laws, and would recommend to strike out the word "reappropriate," in the title of said bill, and insert in place thereof the word "appropriate"; also, to strike out all unnumbered lines commencing with the word "Whereas," after the enacting clause, on page 1, down to and including the word "California," on page 2; also, to strike out the word "and" in line 11 of page 2, and before the word "the" in line 12 of page 2, to insert the words "Section 2"; also, in line 15 of page 2, to strike out the word "requested" and insert the word "required"; also, in line 16 of page 2, after the word "California," insert the words "upon their requisition"; also, after the word "same" in line 17 of page 2, insert the words "out of any moneys in the state treasury not otherwise appropriated"; also, strike out figure "2" in "Section 2," and insert figure "3."

They therefore recommend that Senator Bert be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

SEAWELL, Member of the Committee.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 17031½, concerning the distribution of estate and discharge of executors and administrators—have examined the same and report that the object cannot be secured under existing laws, and the same is correct in text and reference, except as follows: Said bill should be amended by inserting after the word "therefor" in line 7, page 1, the following: "the portion of said estate consisting of money." Also, strike out the words "said money" on said line 7.

They therefore recommend that Senator Flint be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

Also: Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Also: Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities.

Also: Senate Bill No. 42—An Act to provide for the adoption of children maintained in any orphan asylum or orphans' home in this State.

Have examined the same, and report that the object cannot be secured under existing laws, that the same are correct in text and reference, and contain no unconstitutional provisions, but would recommend that Senate Bill No. 42 be made a part of the Civil Code, and that Senate Bill No. 2 should be made applicable to all municipal corporations.

WITHINGTON, for the Committee.

MOTION.

Senator Dickinson moved the adoption of the report of the special committee appointed to consider the report of the Commissioners for the Revision and Reform of the Law, which committee report was filed with the Senate on a previous day.

Report of special committee adopted, and assignments as recommended by committee ordered.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, SACRAMENTO, CAL., January 19, 1897.

To the Senate of the State of California :

I have the honor to inform your honorable body that the Attorney-General has reported to me two cases wherein judgments have been obtained against the State, and for which no appropriations have been made for their payment. They are:

Chapman vs. State, principal and interest.....	\$1,481 45
Nelson vs. State, principal and interest.....	605 75

JAMES H. BUDD, Governor.

The subject-matter of the message was referred to the Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendments were introduced and read first time, and referred to committees, as indicated:

By Senator Wolfe: Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

Referred to the Committee on Corporations.

By Senator Mahoney: Senate Bill No. 414—An Act entitled an Act to amend Section 1142 of the Political Code of the State of California, relating to elections.

Referred to the Committee on Elections.

Also: Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Referred to the Committee on Elections.

By Senator Gleaves: Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

Also: Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Aram: Senate Bill No. 418—An Act to appropriate money for the support of aged persons in indigent circumstances.

Referred to the Committee on Hospitals.

By Senator Henderson: Senate Bill No. 419—An Act to provide for

the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Hall: Senate Bill No. 420—An Act relating to hospitals for dipsomaniacs and morphine, opium, and alcohol inebriates, in municipalities of the first class.

Referred to the San Francisco Delegation.

By Senator Feeney: Senate Bill No. 421—An Act prohibiting book-making, pool-selling, and the recording or registering of bets and wagers; prohibiting the keeping of any room, shed, tenement, tent, booth, or building, or any part thereof, or occupying any place upon any public or private grounds within this State, or as owner, agent, lessee, or occupant of any room, shed, tenement, tent, booth, or building, or part thereof, or of private grounds, knowingly permitting the same to be used or occupied for any of these purposes; forbidding persons from becoming the custodians, or acting as depositaries for hire or reward, of any money, property, or thing of value staked, wagered, or pledged upon the result of any trial or contest of skill, speed, or power of endurance of man or beast, or upon the result of any political nomination, appointment, or election: forbidding persons from keeping, exhibiting, or employing any device or apparatus for the purpose of recording or registering such bets or wagers, or the selling of such pools, and prescribing a penalty for the violation thereof.

Referred to the Committee on Education and Public Morals.

By Senator Pedlar: Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Referred to the Committee on Military Affairs.

By Senator Denison: Senate Bill No. 423—An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Withington: Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions.

Referred to the Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 425—An Act to amend Section 671 of the Code of Civil Procedure of the State of California, relating to judgment liens.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 426—An Act to amend Section 580 of the Code of Civil Procedure of the State of California, relating to judgments.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 427—An Act to amend Section 681 of the Code of Civil Procedure of the State of California, relating to executions.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 428—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1810, relating to the filing of accounts of guardians after their death.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 429—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1681, relating to the filing of accounts of executors and administrators after their death.

Referred to the Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 430—An Act for the relief of W. C. Guirey.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Doty: Senate bill No. 431—An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor. during the year 1894.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also (by request): Senate Bill No. 432—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1329 thereof, relating to the payment of expenses of witnesses in criminal cases.

Referred to the Committee on Judiciary.

By Senator Seawell: Senate Bill No. 433—An Act to amend Section 3546 and Section 3547 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 434—An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Also: Senate Bill No. 435—An Act to amend Section 3766 of the Political Code of the State of California, relating to the publication of the delinquent tax list.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Gleaves: Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution, Section 1, relative to revenue and taxation.

Referred to the Committee on Constitutional Amendments.

By Senator Mahoney: Senate Bill No. 436—An Act to amend Sections 2436, 2440, 2443 of Article V of the Political Code, relating to pilots and Pilot Commissioners, and 2457, 2460, 2462, 2465, 2466, 2467 of Article VI of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Androus: Senate Bill No. 437—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto, approved March 19, 1889, March 5, 1895, and March 26, 1895.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Franck (by request): Senate Bill No. 438—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Simpson: Senate Bill No. 439—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate the money therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Bert: Senate Bill No. 440—An Act to regulate the profession, and provide for the registration, of public accountants.

Referred to the Committee on Judiciary.

NOTICE OF MOTION.

Senator Mahoney gave notice that on to-morrow he will move to amend the rules by adding a new number to the list of standing committees, to be known as the "San Francisco Delegation."

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 6—An Act to amend an act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Senate Bill No. 6 passed on file, for consideration to-morrow.

Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments.

Bill read third time.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Toner, Trout, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 46—An Act entitled "An Act to amend Section 883 of an Act entitled an Act to establish a Code of Civil Procedure, relating to trials by jury in Justices' Courts," approved March 11, 1872.

Bill read third time.

Senator Morehouse moved to strike out the enacting clause.

The roll was called, and the motion lost by the following vote:

AYES—Senators Aram, Bert, Boyce, Doty, Morehouse, and Seawell—6.

NOES—Senators Androus, Beard, Braunhart, Bulla, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Luchsinger, Mahoney, Pedlar, Prisk, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—26.

The question recurring on the passage of the bill, the roll was called, and Senate Bill No. 46 refused passage by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Denison, Holloway, Jones, Langford, Smith, Stratton, Trout, Voorheis, and Withington—13.

NOES—Senators Aram, Bert, Boyce, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Toner, and Wolfe—22.

Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

During the second reading of the bill, Senator Bulla was appointed a special committee of one to amend Senate Bill No. 47 as follows: Insert at beginning of line 3 the word and figures "Sec. 61."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 47, with instructions to amend as follows: Insert at beginning of line 3 the word and figures "Sec. 61," respectfully report the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one adopted, and Senate Bill No. 47, as amended, ordered to print and engrossment, and on file for third reading.

Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Passed on file, but to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California in San Francisco.

Passed on file, but to retain its place.

Senate Bill No. 18—An Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings in counties, and cities and counties, of one hundred thousand inhabitants and over.

Passed on file, but to retain its place.

Senate Bill No. 60—An Act conferring power upon the governing

body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Passed on file, but to retain its place.

Senate Bill No. 75—An Act to amend subdivision 9 of Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Passed on file, but to retain its place.

Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONCURRENT RESOLUTION.

Senator Voorheis offered the following concurrent resolution, and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 3.

Resolved by the Senate, the Assembly concurring. That when the Senate and Assembly do adjourn on Thursday, March 4, 1897, said adjournment be *sine die*.

Senator Morehouse moved that further action on the resolution be deferred until to-morrow morning, after approval of Journal.

Motion lost.

The question recurring on the adoption of the resolution, the roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Denison, Dwyer, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shippee, Simpson, Trout, Voorheis, Withington, and Wolfe—23.

NOES—Senators Boyce, Brauhart, Bulla, Dickinson, Doty, Hall, Henderson, Langford, La Rue, Morehouse, Pedlar, Smith, Stratton, and Toner—14.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

SECOND READING OF BILL—(OUT OF ORDER).

On motion of Senator Withington, Senate Bill No. 155, temporarily passed on file, was taken up for second reading.

Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

During the second reading of the bill, the following committee amendment was submitted:

Amend Section 3 by inserting the word "of" after the word "out," in line 2 of printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment as amended, and on file for third reading.

RESOLUTION.

Senator Withington offered the following resolution:

WHEREAS, The Senate of the thirty-first session of the California Legislature appointed a Committee on Legislative Business, consisting of Senators Withington, Seawell, and Franck, to report at this session a better and cheaper method of conducting legislative business; and

WHEREAS, The said committee having performed the duties assigned them; be it

Resolved, That the Controller be and he is hereby directed to draw his warrants for the several amounts herein set forth, payable to the several persons, out of the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same:

D. L. Withington, traveling and hotel expenses, etc.	\$100 00
J. H. Seawell, traveling and hotel expenses, etc.	50 00
F. C. Franck, traveling and hotel expenses, etc.	30 00
E. E. Carter, labor, typewriting	60 00
C. S. McMullan, clerical services	50 00
Miss A. M. Bayless, services as stenographer and typewriter to committee	300 00
Miss L. Denney, mailing and postage to members copies of report	15 32
F. J. Brandon, services as secretary from March, 1895, to January, 1896, \$1,200 00 : paid for postage, mileage, hotel and traveling expenses, and sundry expenses.	
\$161 35	1,361 35

Resolution referred to Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Seawell, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 21st day of January, passed the following:

Assembly Bill No. 10—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to redemption of property sold for non-payment of assessments.

Also: Adopted Assembly Joint Resolution No. 7, relative to the opening of a ship channel between San Francisco Bay and Antioch.

S. J. DUCKWORTH, Chief Clerk.

FIRST READING OF BILL.

Assembly Bill No. 10— Read first time, and referred to the Committee on Irrigation and Water Rights.

Assembly Joint Resolution No. 7—Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 22, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Shine, on account of illness, was granted leave of absence for the day, on motion of Senator Pedlar.

Senator Chapman was granted leave of absence for the day, on motion of Senator Holloway.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 20, 1897, was approved.

PETITIONS.

Senator Holloway presented the following petition, and the same was ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the proper observance of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

Signed by E. W. Hayden and forty-five others.

Senator Simpson presented the following petition, and the same was ordered printed in the Journal:

To the Hon. C. M. Simpson, State Senator, and Hon. Walter S. Melick, Assemblyman, members of the Legislature from Los Angeles County:

HONORED SIRS: The Code Commission of the Legislature having recommended the enactment of a general saloon license law for the State of California, we, the undersigned voters, believing that such a law threatens the moral welfare of the State, do hereby earnestly protest against the passage of such a law, and we respectfully urge that you, as our representatives, vote against its enactment, or the enactment of any law of like nature.

Signed by Geo. W. Burman and one hundred and nine others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Assembly Joint Resolution No. 8—Relative to and advocating the passage

of the California Mineral Lands Bill—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, for the Committee.

Assembly Joint Resolution No. 8 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Senate Bill No. 100 ordered on file for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept.

Also: Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.

Also: Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

Have examined the same, and report that the object cannot be secured under existing laws, that the same are correct in text and reference, and contain no unconstitutional provisions.

WITHINGTON, for the Committee.

Senate Bills Nos. 107, 177, and 155 ordered on file for third reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

Also: Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Also: Senate Bill No. 289—An Act to change the name of the Industrial Home of Mechanical Trades for the Adult Blind of California to "Home for Adult Blind."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DENISON, Chairman.

Senate Bills Nos. 48 and 288 referred to the Committee on Finance.

Senate Bill No. 289 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

Also: Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and distribution of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Also: Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Also: Senate Bill No. 128—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates, or homestead or community property, on owner's death, in certain cases.

Also: Senate Bill No. 129—An Act to amend Section 164 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

Also: Senate Bill No. 167—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 7, 15, 127, 128, 129, 167, and 274 ordered on file for second reading.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Assembly Bill No. 10—An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to redemption of property sold for non-payment of assessments—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ANDROUS, Chairman.

Assembly Bill No. 10 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Holloway, as Chairman of the Committee on Attachés, Contingent Expenses, and Mileage, offered the following resolution, and moved its adoption:

Resolved, That the office of Assistant Bill Clerk, now filled by J. D. Wiseman, be and the same is hereby declared vacant from January 19, 1897, and the Controller is directed to withhold any warrant now drawn by him and made payable to said Wiseman, for any amount after said date.

HOLLOWAY, Chairman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Trout, and Voorheis—28.

NOES—Senators Bert and Toner—2.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred that part of the Governor's Message relating to the National Guard, beg leave to report that they have had the same under consideration, and respectfully report as follows:

First—We approve of the organization and location in San Francisco of a regiment of heavy artillery, and a bill embodying such action has been introduced in the Senate.

Second—While recognizing the desirability of the State owning suitable armories in the larger cities, we do not believe the issuance of bonds for their construction would at this time be approved by the people of the State. We do not concur in the suggestion that Section 2094 of the Political Code be amended, believing that the present law is adequate and just.

Third—Considering the financial condition of the people, and knowing the urgent need of the National Guard in the way of uniforms and equipments, we are constrained

to forego the establishment of a special military emergency fund at this time, though we fully concur in the suggestion of the Governor as to the desirability of such a provision.

PEDLAR, Chairman.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 91—An Act making an appropriation for the relief of J. E. Atkinson, for injuries by him sustained while engaged in the service of the State, at the Stockton Insane Asylum—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that the committee believes that it has no authority in law to allow the same, and asks that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Also: Senate Bill No. 245—An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard.

Also: Senate Bill No. 271—An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295 85) to pay the claim of the Tribune Printing Company against the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 170—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bills Nos. 91, 170, 315, 245, and 271 referred to the Committee on Finance.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 42—An Act to provide for the adoption of children maintained in any orphan's asylum or children's home in this State.

Also: Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estates and discharge of executors and administrators.

JONES, Chairman.

Senate Bills Nos. 42 and 67 ordered on file for third reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 28—An Act entitled an Act to add a new section to the Political Code, to be known as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and cities and counties, and providing for the duties and execution of the work of such specialist.

Also: Senate Bill No. 105—An Act relating to pawnbrokers, companies, and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Also: Senate Bill No. 104—An Act prohibiting ring-fights, prize-fights, glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Also: Senate Bill No. 106—An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches, and prize or ring fights.

Also: Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools, and employment of teachers of physical culture

Also: Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct, and build and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Sixth and Seventh streets in said city.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BOYCE, Chairman.

Senate Bills Nos. 28, 81, 104, 105, 106, 176, and 290 ordered on file for second reading.

LEAVE OF ABSENCE.

At ten o'clock and fifteen minutes A. M., Senator Bert was granted a leave of absence for one hour.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was re-referred Senate Bill No. 75—An Act to amend subdivision 9 of Section 862 of an Act entitled an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883—have had the same under further consideration, and herewith offer a substitute for Senate Bill No. 75, and recommend that the substitute do pass.

GILLETTE, Chairman.

Senate Bill No. 75 ordered on file for second reading.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 195—An Act to regulate medical practice, to prevent blindness in infants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ARAM, Chairman.

Senate Bill No. 195 ordered on file for second reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

FRANCK, Chairman.

Senate Bill No. 77 ordered on file for second reading.

On motion of Senator Dickinson, Senate Bill No. 137—An Act to amend the Political Code of California, by adding a new section, to be known as Section 2644, relating to Road Commissioners was re-referred to the Committee on Roads and Highways.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, January 21, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bill No. 262 ordered on file for second reading.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Senate Bill No. 338—An Act to amend Sections 2292, 2293, and 2294 of Chapter III, Title V, of the Political Code, relating to the State Library—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TROUT, Chairman.

Senate Bill No. 338 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Bulla: Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Referred to the Committee on City, City and County, and Town Governments.

By Senator La Rue: Senate Bill No. 442—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1792½ thereof, relating to the sale of the interest of a ward in homestead property.

Referred to the Committee on Judiciary.

By Senator Denison: Senate Bill No. 443—An Act to amend Section 758 of an Act entitled “An Act to provide for the organization, incorporation, and government of municipal corporations,” approved March 13, 1883.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 444—An Act to amend an Act entitled “An Act providing for the erection and operating of rock-crushing plants at the State prisons, for the preparation of highway material, for the benefit of the people of the State,” and for other purposes, approved March 28, 1895.

Referred to the Committee on Roads and Highways.

By Senator Withington: Senate Bill No. 445—An Act to amend an Act entitled “An Act to establish a Penal Code,” approved February 14, 1872, by adding thereto two sections, to be numbered 288 and 289, to punish the crimes of open and notorious cohabitation and adultery.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 446—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by repealing Section 60 of said Code.

Referred to the Committee on Judiciary.

By Senator Linder: Senate Bill No. 447—An Act to provide for the payment of Swamp and Overflowed Land Funds into the treasury of the counties in which said swamp and overflowed lands are situated.

Referred to the Committee on Finance.

By Senator Dickinson (by request): Senate Bill No. 448—An Act to promote competency and skill among practicing barbers, and to regulate the practice of such in the State of California.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 449—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal corporations of the sixth class, approved March 27, 1885.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 450—An Act to amend Sections 2, 3, 9, and 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof and supplementary thereto.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Brauhart: Senate Bill No. 451—An Act to require ordinances and resolutions, passed by the City Council or other legislative body of any municipality, to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Simpson: Senate Bill No. 452—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

Referred to the Committee on Judiciary.

By Senator Shippee: Senate Bill No. 454—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Referred to the Committee on Judiciary.

By Senator Boyce: Senate Bill No. 455—An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 456—An Act to amend Sections 4, 5, 6, 10, 13, and 14, of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add two new sections to said Act, to be known as Sections 20 and 21.

Referred to the Committee on Education and Public Morals.

By Senator Smith: Senate Bill No. 457—An Act to amend the Political Code by the addition thereto of a new section, to be known as Section 1554, relating to the public schools.

Referred to the Committee on Education and Public Morals.

By Senator Brauhart: Senate Bill No. 458—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880, approved March 19, 1889, conferring further powers upon the said board.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator La Rue (by request): Senate Bill No. 459—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, and to add four new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State.

Referred to the Committee on Hospitals.

By Senator Aram: Senate Bill No. 460—An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Wolfe: Senate Bill No. 461—An Act amending an Act amending an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Referred to the Committee on Judiciary.

By Senator Beard: Senate Bill No. 462—An Act to amend Sections 3476 and 3477 of the Political Code, relating to reclamation of swamp and overflowed lands.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Stratton: Senate Bill No. 463—An Act to amend Section 1114 of the Political Code of the State of California, relating to registration.

Referred to the Committee on Elections.

Also: Senate Bill No. 464—An Act to amend Sections 1897, 1898, and 1900 of the Political Code of the State of California, relating to the enrollment of persons subject to military duty.

Referred to the Committee on Military Affairs.

By Senator Morehouse (by request): Senate Bill No. 465—An Act to amend an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Referred to the Committee on Education and Public Morals.

By Senator Dickinson (by request): Senate Bill No. 466—An Act to establish a uniform system to enable any city, city and county, city, or town, or municipality to furnish the inhabitants thereof with water for domestic, irrigation, or manufacturing purposes or use, within or without their corporate limits.

Referred to the Committee on Corporations.

MOTION.

On motion of Senator Denison, and by unanimous vote, Senator Seawell was made a member of the Committee on Public Buildings other than Prison Buildings.

RESOLUTIONS.

Senator Mahoney offered the following resolution:

Resolved, That the members of the Senate comprising the San Francisco Delegation be and they are hereby appointed a standing committee of the Senate, to be known and styled as the San Francisco Delegation.

Resolution referred to the Committee on Rules and Revision.

Senator Aram offered the following resolution, and moved its adoption:

Resolved, That the Chairman of the Committee on Commerce, Harbors, Rivers, and Coast Defenses be and he is hereby permitted to visit such harbors, rivers, and coast defenses in this State as in his judgment he deems necessary, and to take with him such members of said committee as he deems advisable, and that he be allowed actual traveling expenses for himself and committee, payable out of the fund for contingent expenses of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—32.

NOES—Senators Smith and Toner—2.

Senator Boyce offered the following resolution, and moved its adoption:

WHEREAS, Complaints have been made respecting the efficiency of the public service and the adequacy of the employés in different departments to perform the duties incumbent upon them; and

WHEREAS, In order to promote the public service, and to increase the efficiency of the departments of this chamber, it is hereby

Resolved, That the heads of all departments, in case of their inability to perform their duties, by reason either of the inefficiency of their subordinates or otherwise, may report the same to this house, in order that all objectionable attachés or employés may resign or be removed, and competent and capable men substituted in their places.

Resolution adopted.

MOTION.

Senator Voorheis moved that when the Senate adjourn this day it be to meet on Monday next.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Beard, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, La Rue, Linder, Mahoney, Morehouse, Seawell, Shippee, Stratton, Toner, Voorheis, Withington, and Wolfe—21.

NOES—Senators Aram, Boyce, Braunhart, Dickinson, Doty, Gillette, Holloway, Jones, Langford, Luchsinger, Pedlar, Simpson, Smith, and Trout—14.

SPECIAL ORDER.

The consideration of Senate Bill No. 17—An Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof—and the substitute offered by Senator Braunhart, having been made a special order for this day, the same were taken up for consideration.

Senator Braunhart asked unanimous consent to withdraw his substitute.

Consent granted, and substitute withdrawn.

Senator Braunhart thereupon offered another substitute, and moved that Senate Bill No. 17 be placed at the head of the third-reading file, for consideration on Monday next.

Motion carried, and substitute ordered to print.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Bill passed on file, but to retain its place.

Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Bill passed on file, but to retain its place.

Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.

Bill read third time.

The roll was called, and Senate Bill No. 177 passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept.

Bill read third time.

The roll was called, and Senate Bill No. 107 passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—29.

NOES—None.

Title read and approved.

Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

During third reading of bill, on motion of Senator Withington, it was referred to Senator Simpson, as a special committee of one, to amend as follows:

Amend Section 1, line 2, printed bill, by striking out the words "city of the fifth class" and inserting in lieu thereof the words "municipal corporations."

Also, by inserting after the word "Trustees," in Section 1, line 5, printed bill, the words "or other governing board."

Also, by inserting before the word "unless," in Section 2, line 3, the words "or other governing board."

Also, by striking out of title the words "cities of the fifth class" and inserting the words "municipal corporations."

REPORT OF SPECIAL COMMITTEE OF ONE.

SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 2, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Senate Bill No. 2 read third time, ordered to reëngrossment and print, but to retain its place on file.

Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities.

Bill read third time.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

During the third reading of the bill, Senator Bert moved that Senator Seawell be appointed a special committee of one to amend the bill, as follows:

Amend by striking out all between the enacting clause and Section 1.

Also, by striking out the word "and" on line 11 of printed bill.

Also, by inserting the word and figure "Section 2" at beginning of line numbered 12 on printed bill.

Also, by striking out the word "requested" in line 15, printed bill, and inserting in lieu thereof the word "required."

Also, by striking out the period after the word "California" in line 16, printed bill, and inserting in lieu thereof the words "upon their requisition."

Also, by adding to line 17, printed bill, after the word "same" the words "out of any moneys in the state treasury not otherwise appropriated."

Also, by striking out the word and figure "Sec. 2" and inserting in lieu thereof the word and figure "Sec. 3."

Also, by striking out of the title the word "reappropriate" and inserting in lieu thereof the word "appropriate."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 16, with instructions to amend, respectfully reports the same back, amended as per instructions.

SEAWELL, Committee.

Report of special committee of one adopted.

Senate Bill No. 16 ordered to print and reëngrossment, and to retain its place on file for third reading.

Senate Bill No. 75—An Act to amend subdivision 9 of Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill passed on file, but to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 60—An Act conferring power upon the governing body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

During the second reading of the bill, Senator Dwyer moved to amend as follows:

Amend by striking out of line 2, Section 1, the word "cities" and inserting in lieu thereof the words "municipal corporations."

Also, by striking out of line 3, Section 1, the word "cities" and inserting in lieu thereof the words "municipal corporations."

Also, by striking out of line 2, Section 2, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 10, Section 2, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 2, Section 3, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 3, Section 4, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 9, Section 4, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 3, Section 5, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 5, Section 5, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 25, Section 5, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 44, Section 5, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 46, Section 5, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 53, Section 5, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 2, Section 6, the word "city" and inserting in lieu thereof the words "municipal corporation."

Also, by striking out of line 4, Section 7, the word "city" and inserting the words "municipal corporation" in lieu thereof.

Also, by striking out of line 13, Section 7, the word "city" and inserting the words "municipal corporation" in lieu thereof.

Also, amend title by striking out the word "cities" and inserting in lieu thereof the words "municipal corporations."

Amendments adopted.

Senate Bill No. 60 read second time, and ordered to print and engrossment, and on file for third reading.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Senate Bill No. 6 passed on file, but to retain its place.

Senate Bill No. 111—An Act to amend Section 1093 of the Penal Code, relating to order of trial.

During the second reading of the bill, Senator Withington moved to amend as follows:

Strike out of Section 1 all of lines 26 and 27, printed bill, and insert the same after line 34, printed bill.

Also: Renumber Sections 6 and 7.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Aram, Androus, Bulla, Denison, Dickinson, Gillette, Hall, Jones, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Stratton, Trout, Withington, and Wolfe—13.

NOES—Senators Bert, Boyce, Braumhart, Doty, Dwyer, Feeney, Franck, Henderson, Holloway, Morehouse, Simpson, Smith, and Voorheis—13.

NOTICE OF RECONSIDERATION.

Senator Seawell gave notice that on Monday next he would move a reconsideration of the vote whereby Senate Bill No. 111 was this day amended.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 112—An Act to amend Section 1137 of the Penal Code, relating to papers a jury may take when retiring.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 113—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 114—An Act to amend Section 1127 of the Penal Code, relating to charging the jury.

Bill read second time.

Upon the question being put, "Shall the bill be considered engrossed and ordered on file for third reading?"

Senator Seawell asked that the bill be allowed to retain its present place on file.

So ordered.

Senate Bill No. 115—An Act to amend Section 612 of the Code of Civil Procedure, relating to papers a jury may take when retiring.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At twelve o'clock and thirty minutes p. m., the President pro tem. declared that the Senate stood adjourned until Monday next.

IN SENATE.

SENATE CHAMBER,
Monday, January 25, 1897. }

The Senate met pursuant to adjournment, at ten o'clock a. m.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhnart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

LEAVE OF ABSENCE.

Senator Chapman, on account of illness, was granted an indefinite leave of absence, on motion of Senator Holloway.

Senator Wolfe was granted leave of absence for the day, on motion of Senator Gillette.

Senator Shippee was granted leave of absence for the day, on motion of Senator Brauhart.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 21, 1897, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 207—An Act making an appropriation to pay the claim of George A. Sturtevant for costs of suits in foreclosing delinquent purchasers of State school lands—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the bill, the same being a duplicate of Senate Bill No. 121, heretofore allowed by this committee.

Also: Senate Bill No. 211—An Act making an appropriation to pay the claim of Charles Phipps for services rendered as Assistant Secretary of the State Board of Examiners from February 15, 1891, to March 21, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bill No. 211 re-referred to the Committee on Finance.

Senate Bill No. 207, on motion of Senator Seawell, was considered withdrawn, and ordered stricken from the file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 161—An Act to amend Section 798 of the Political Code of the State of California, fixing the fees of notaries public.

Also: Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 131—An Act entitled "An Act to amend Section 3785 of the Political Code of the State of California, relating to the revenue and taxes of the State of California, and providing for the taking of tax deeds by the State, and fixing a limitation as to the time within which deeds may be taken by purchasers other than the State of California."

Also: Senate Bill No. 132—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 161, 273, 131, and 132 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.

Also: Senate Bill No. 345—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Also: Senate Bill No. 344—An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 53, 345, and 344 ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 136—An Act to establish a uniform system of county and township government—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on County Government and Township Organization.

Also: Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 175—An Act to authorize any city or city and county of this State to take its census—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GILLETTE, Chairman.

Senate Bill No. 136 re-referred to the Committee on County Government and Township Organization.

Senate Bills Nos. 102 and 175 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 110—An Act to provide for the management and operation of railroads above certain elevations.

Also: Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Also: Senate Bill No. 30—An Act to reduce the rates of fares on street railroads in cities, cities and counties, and towns, and to require the issuance of commutation tickets for not less than sixty trips, at reduced rates.

Have had the same under consideration, and respectfully report the same back, and recommend that—

Senate Bill No. 110—Do pass.

Senate Bill No. 11—Do pass as amended.

Senate Bill No. 30—Author allowed to introduce substitute, and the bill and substitute are reported back with the recommendation that it be referred to the San Francisco Delegation.

DICKINSON, Chairman.

Senate Bills Nos. 110 and 11 ordered on file for second reading.

Senate Bill No. 30, with accompanying substitute, re-referred to the San Francisco Delegation.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration the resolution of Senator Mahoney, in reference to a new standing committee. Would respectfully report the following as a new Standing Rule, to be numbered LXVIII, as follows:

RULE LXVIII.

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation, and the member senior in service in the Senate shall be the Chairman thereof.

WITHINGTON, for the Committee.

The roll was called, and the report of the committee and new rule adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—30.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 25, 1897

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 112—An Act to amend Section 1137 of the Penal Code, relating to papers a jury may take when retiring.

Also: Senate Bill No. 113—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Also: Senate Bill No. 115—An Act to amend Section 612 of the Code of Civil Procedure, relating to papers a jury may take when retiring.

Have examined the same, and report that the object cannot be secured under existing laws, that the same are correct in text and reference, and contain no unconstitutional provisions.

DICKINSON, for the Committee.

Also:

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 42—An Act to provide for the adoption of children maintained in any orphan asylum or orphans' home in this State—have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions, but that the bill should be an amendment to Section 224 of the Civil Code.

WITHINGTON, for the Committee.

Also:

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial—have examined the same, and report that the object cannot be secured under existing laws, and contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: Your committee would recommend that the word "a" be inserted at the end of line 3, after the word "in." They, therefore, recommend that Senator Seawell be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

DICKINSON, for the Committee.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendments were introduced, read first time, and referred to committees, as indicated:

By Senator Flint: Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Referred to the Committee on Education and Public Morals.

By Senator Boyce: Senate Bill No. 468—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 469—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Referred to the Committee on Education and Public Morals.

Also (by request): Senate Bill No. 470—An Act to amend Sections 1663, 1771, 1772, 1775, and 1858 of the Political Code of California, and to add a new section thereto, to be known as Section 1523, relating to the public schools.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 471—An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 472—An Act to amend Sections 1790 and 1791 of the Political Code, relating to City Boards of Examination.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 474—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Referred to the Committee on Judiciary.

By Senator Linder: Senate Bill No. 475—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for refunding or compromising irrigation district bonds.

Referred to the Committee on Irrigation and Water Rights.

By Senator Dickinson: Senate Bill No. 476—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-eighth fiscal year.

Referred to the Committee on Finance.

Also: Senate Bill No. 477—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-seventh fiscal year.

Referred to the Committee on Finance.

Also: Senate Bill No. 478—An Act making an appropriation to pay the deficiency in the appropriation for office rent of Attorney-General in San Francisco for the forty-eighth fiscal year.

Referred to the Committee on Finance.

By Senator Doty (by request): Senate Bill No. 479—An Act to pro-

vide for the purchase or construction of a residence for the Governor of California, and to appropriate money therefor.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Langford: Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Referred to the Committee on Corporations.

By Senator Stratton: Senate Bill No. 481—An Act to amend Section 1241 of the Civil Code, relative to sales of homesteads under execution, or by order or decree of court.

Referred to the Committee on Judiciary.

By Senator Denison: Senate Bill No. 482—An Act to amend Section 276 of the Code of Civil Procedure, relating to the examination of applicants for admission to practice law.

Referred to the Committee on Judiciary.

By Senator Bulla: Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Dickinson: Senate Bill No. 484—An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence.

Referred to the Committee on Judiciary.

By Senator Mahoney: Senate Bill No. 485—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers in municipalities," approved March 18, 1885, and an Act amendatory thereof, approved March 31, 1891.

Referred to the San Francisco Delegation.

By Senator Dickinson: Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Referred to the Committee on Military Affairs.

Also: Senate Bill No. 487—An Act for the relief of J. W. Newbert, and to appropriate money therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Voorheis (by request of State Board of Examiners): Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Pedlar: Senate Bill No. 489—An Act to amend Section 3051 of the Civil Code, relative to sale of stock left in pasture or stables.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also: Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the

Board of Health of the City and County of San Francisco," approved March 31, 1891.

Referred to the Committee on Judiciary.

By Senator Doty: Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands and the foreclosure of delinquent purchasers thereof.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 492—An Act to amend Sections 1054, 1055, 1083, 1144, 1145, 1174, 1192, 1193, 1194, 1195, 1197, 1200, 1239, 1253, 1254, 1255, 1257, 1258, 1259, 1260, 1261, 1281, 1282, 1283, 1284, 1285, 1287, 1288, 1289, 1290, 1291, 1314, and 1347, and to repeal Sections 1308, 1309, 1313, 1344, 1345, and 1346 of the Political Code, relating to elections.

Referred to the Committee on Elections.

By Senator Flint: Senate Bill No. 493—An Act to pay the claim of E. N. Strout for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Bulla: Senate Bill No. 494—An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506 of the Political Code, relating to State Normal Schools.

Referred to the Committee on Education and Public Morals.

By Senator Boyce: Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, by taking away the control of granting high school certificates from County Boards of Education.

Referred to the Committee on Education and Public Morals.

RESOLUTIONS.

Senator Bert offered the following resolution:

Resolved, That George W. Elder be and he is hereby appointed Assistant Bill Clerk of the Senate, at a per diem of \$5, the same to be paid out of the fund for the contingent expenses of the Senate.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Bert offered the following resolution, and moved its adoption:

Resolved, That the following members of the Senate be and they are hereby appointed and assigned to the standing committee of the Senate known as the "San Francisco Delegation": Senators Mahoney (Chairman), Braunhart, Toner, Dwyer, Bert, Wolfe, Henderson, Hall, and Feeney.

Resolution adopted.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 20th day of January, passed the following:

Senate Concurrent Resolution No. 2—Relative to employing additional help to light and heat the Capitol building.

S. J. DUCKWORTH, Chief Clerk.

Senate Concurrent Resolution No. 2 ordered to enrollment.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 17—An Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof.

Bill passed on file, but to retain its place.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed, viz.:

Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

JONES, Chairman.

Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

The bill having been read a third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Beard, Boyce, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Bill passed on file, but to retain its place.

Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

Bill passed on file, but to retain its place.

Senate Bill No. 75—An Act to amend subdivision 9 of Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill passed on file, but to retain its place.

Senate Bill No. 111—An Act to amend Section 1093 of the Penal Code, relating to order of trial.

In compliance with his notice given on Friday, Senator Seawell moved that the vote whereby the following amendments to Senate Bill No. 111, viz.:

Strike out of Section 1 all of lines 26 and 27, printed bill, and insert the same after line 34, printed bill.

Also: Renumber Sections 6 and 7.

Were adopted, be reconsidered.

The ayes and noes were demanded.

The roll was called, and the vote whereby the amendments were adopted reconsidered by the following vote:

AYES—Senators Beard, Brauhart, Bulla, Denison, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Simpson, Smith, Toner, and Voorheis—23.

NOES—Senators Androus, Aram, Dickinson, Gillette, Jones, Pedlar, Prisk, Stratton, Trout, and Withington—10.

Senate Bill No. 111 passed on file, but to retain its place.

Senate Bill No. 112—An Act to amend Section 1137 of the Penal Code, relating to papers a jury may take when retiring.

Bill read third time.

The roll was called, and Senate Bill No. 112 passed by the following vote:

AYES—Senators Aram, Beard, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, and Withington—27.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Also: Senate Bill No. 16—An Act to appropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

Also: Senate Bill No. 60—An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

JONES, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 113—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Bill read third time.

The roll was called, and Senate Bill No. 113 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Smith, Toner, Voorheis, and Withington—27.

NOES—Senator Simpson—1.

Title read and approved.

Senate Bill No. 114—An Act to amend Section 1127 of the Penal Code, relating to charging the jury.

Bill passed on file, but to retain its place.

Senate Bill No. 115—An Act to amend Section 612 of the Code of Civil Procedure, relating to papers a jury may take when retiring.

Bill read third time.

The roll was called, and Senate Bill No. 115 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Bulla, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, and Withington—28.

NOES—None.

Title read and approved.

Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

During the third reading of bill, Senator Seawell, in compliance with the suggestion of the Committee on Rules and Revision, was appointed a special committee of one to amend the bill as follows:

By adding the word "a" after the word "in," in third line of printed bill.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 116, with instructions to amend, respectfully report the same back, amended as per instructions.

SEAWELL, Committee.

Report of special committee of one and amendment adopted, bill read third time, and ordered to reëngrossment.

Senate Bill No. 42—An Act to provide for the adoption of children maintained in any orphan asylum or orphans' home in this State.

Senator Withington moved that Senator Bulla be appointed a special committee of one, to whom the bill may be recommitted, to amend by substituting the bill herewith presented for the bill under consideration.

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 42, with instructions to amend as follows:

Substitute for Senate Bill No. 42—An Act to amend Section 224 of the Civil Code of California, relating to the adoption of orphan, half orphan, or abandoned children.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 224 of the Civil Code of the State of California is hereby amended so as to read as follows:

Sec. 224. A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living, except the consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery, or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child, on account of cruelty or neglect; neither is the consent of any one necessary in case of any abandoned child, any orphan under the care and maintenance of any orphans' asylum

or orphans' or children's home in this State, may be adopted in the manner prescribed in this chapter; *provided, however*, that it shall not be necessary to obtain the consent of any other person to such adoption than the Board of Directors, Trustees, Managers, or other governing body of such asylum or home; any half orphan or abandoned child under the care of any orphan asylum or orphans' or children's home, in this State, may be adopted in the manner prescribed in this chapter, and to such adoption the consent of the parent or parents living shall be necessary, except in cases when such living parent or parents shall not have contributed at least two dollars per month, monthly, toward the support and maintenance of such child. And in case of neglect to contribute such support for a period of six months, then such child may be adopted in accordance with the provisions of this chapter, but without the consent of such parent or parents, and the consent of no person shall be necessary to such adoption, except the consent of the Board of Directors, Trustees, Managers, or other governing body of such asylum or home; *and provided, also*, that the consent of such Board of Directors, Trustees, Managers, or other governing body shall be sufficient to authorize such adoption, whenever the parent of such half orphan, or parent or parents of such abandoned child, shall not be a resident of this State, whenever it has been left by its parent or parents in such home for more than one year, whether the parent or parents have contributed anything to its support or not, and the consent of the parent of such half orphan is not necessary to its adoption whenever the managers of the home are authorized to give such consent, as herein provided.

Sec. 2. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Respectfully report the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and Substitute for Senate Bill No. 42 adopted.

Bill read third time, and ordered to print and reëngrossment.

Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estates and discharge of executors and administrators.

In compliance with the suggestion of the Committee on Rules and Revision, Senator Flint was appointed a special committee of one to amend as follows:

Insert in line 7, page 1, printed bill, after the word "therefor" the following: "The portion of said estate consisting of money."

Also: Strike out the words "said money" on said line 7.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 67, with instructions to amend, respectfully report the same back, amended as per instructions.

FLINT, Committee.

Report of special committee of one and amendment adopted, bill read third time, and ordered to print and reëngrossment.

SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 33—An Act for the certification of land titles and the simplification of the transfer of real estate.

AMENDMENTS.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend by striking out of Section 1, "Recorders and ex officio Recorders, in the several counties of this State, shall be Registrars of Titles in their respective counties, and their deputies shall be deputy registrars."

All laws relative to Recorders and their deputies, including the compensation, clerk hire, and expenses, shall extend to registrars and their deputies, so far as the same may be applicable, except as in this Act otherwise provided.

Registrars of Titles shall be county officers, within the meaning of the laws of this State.

Amendment adopted.

Also: Amend by striking out the clause "only contiguous pieces of land shall be included in one application," in lines 10 and 11, of subdivision (c) of Section 6, in printed bill.

Amendment adopted.

Also: Amend by adding the words "if known," after the words "post office address," in subdivision (g) of Section 6, lines 23 and 24, in printed bill.

Amendment adopted.

Also: Amend by striking out the word "contiguous," in line 18, Section 5, page 2, of printed bill.

Amendment adopted.

Also: Amend by adding the words "if known," after the words "post office address," in line 18, of subdivision (f) of Section 6, of printed bill.

Amendment adopted.

Also: Amend by striking out the word "fifteen," in line 54 of Section 6, subdivision (i), page 4, of printed bill, and inserting instead thereof the word "ten."

Amendment adopted.

Also: Amend Section 12 of printed bill by striking out the word "return," in defining clause, page 5, and inserting instead thereof the word "dismiss"; also, by striking out the word "seventeen," beginning at end of line 2 and ending at commencement of line 3, page 5, and inserting instead the word "eighteen," and also by striking out the word "returned," in line 8, page 6, and insert instead thereof the word "dismissed."

Amendment adopted.

Also: Amend by inserting in line 6 of Section 13, page 6, of printed bill, after the word "action," the words "by publication for at least four weeks, in some newspaper of general circulation, to be designated by the Court."

Amendment adopted.

By Senator Bulla:

Amend by striking out of Section 19, line 4, the word "in," and inserting the following: "to."

Amendment adopted.

Also: Amend by striking out of Section 26, line 12, the word "memorila," and inserting the following: "memorial."

Amendment adopted.

Also: Amend by striking out of Section 23, line 4, the word "twenty-six," and inserting the following: "twenty-seven."

Amendment adopted.

By Senator Morehouse:

Amend by striking out of Section 24, line 23, the word "Girard."

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 24, line 17, the words "June 20."

Also, on line 18, the figures "1894."

Also, on line 18, the words "two years."

Also, on line 19, the word "annum."

Also, on line 19, the words "semi-annually."

Also, on lines 19 and 20, the words "or compounded."

Also, on lines 21 and 22, the word and figures "September 24, 1894."

Also, on line 24, the word and figures "October 5, 1894."

Also, on line 27, the word and figures "October, 189—."

Amendment adopted.

By Senator Bulla:

Amend by striking out of Section 43, line 1, the figures "44," and inserting the following: "43"; and by changing all subsequent section numbers to accord therewith.

Amendment adopted.

Also: Amend by striking out of Section 70, line 6, the word "and," and inserting the following: "which."

Amendment adopted.

Also: Amend by inserting in Section 72, line 5, after the word "now," the words "or hereafter."

Amendment adopted.

Also: Amend by inserting in Section 76, line 4, after the word "deceased," the following: "And such executor shall have power to sell such land without an order of court so to do; but such sales must be confirmed by the Court, in the manner now or hereafter provided by the law of this State, and a duly certified copy of the order of such confirmation shall be filed with the Registrar, before any certificate of title can be issued to the purchaser of such land."

Amendment adopted.

By Senator Withington:

Amend by striking out Section 110 and inserting the following in lieu thereof:

SEC. 110. All fees collected by the Registrar under the provisions of this Act shall be accounted for, paid, disbursed, and disposed of by him in the same manner that fees collected by him as County Recorder are now or may hereafter be by law accounted for, paid, disbursed, and disposed of.

Should there be a surplus in any year, such surplus shall be carried into the General Fund, and be subject to appropriation for any purpose.

In case such fees shall not amount to the sum required for the administration of this Act, the deficiency shall be paid from any funds in the treasury not otherwise appropriated.

Amendment adopted.

By Senator Bulla:

Amend by striking out of Section 118, in the defining clause, the figure "5," and inserting the following: "7."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No 18—An Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings in counties, and cities and counties, of one hundred thousand inhabitants and over.

Bill passed on file, but to retain its place.

Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

Bill passed on file, but to retain its place.

Senate Bill No. 35—An Act to authorize cities and towns owning public parks outside of their limits to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities or towns to, into, and through such parks, and to acquire lands for that purpose.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 36—An Act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 37—An Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities and towns leading to public parks owned thereby.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 63—An Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

During the second reading of the bill, the following amendments were submitted:

By Senator Dwyer:

Amend bill by inserting the enacting clause.

Amendment adopted.

Also: In last section strike out the figure "3," and insert in lieu thereof the figure "2."

Amendment adopted.

Also: In printed bill, strike out all of line No. 39 after the word "*provided*," and strike out all of lines Nos. 40, 41, 42, 43, 44, 45, and 46, ending with the word "*contract*," and insert in lieu thereof the following: "The advertisement hereinbefore provided for shall invite proposals and bids in one total sum or amount for the performance of all the work and the furnishing of all the materials called for in the said advertisement for the erection of the entire building or buildings."

Amendment adopted.

Also: In printed bill, strike out in line 58 the words "of such city, or city and county," and insert in lieu thereof the words "of cities, or cities and counties."

Amendment adopted.

By Senator Stratton:

Strike out all of Section 1 found on lines 58, 59, and 60, which reads as follows: "*Provided*, in no case shall the entire cost of said building or buildings exceed the sum of \$300,000," and insert in lieu thereof the following: "*Provided*, that the aggregate cost of any change or changes shall not exceed the sum of \$3,000."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That George W. Elder be and he is hereby appointed Assistant Bill Clerk of the Senate, at a per diem of \$5, the same to be paid out of the fund for the contingent expenses of the Senate—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Withington—27.

NOES—Senator Doty—1.

JOINT RESOLUTION—(OUT OF ORDER).

Senator Androus (by consent) introduced Senate Joint Resolution No. 11, requesting Congress to impose a tariff on foreign fresh table-grapes competing with the American product.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

CONSIDERATION OF ASSEMBLY BILLS—SECOND READING OF BILLS.

Assembly Bill No. 263—An Act making an appropriation for the support of the State Printing Office for the forty-eighth fiscal year.

During the second reading of the bill the following committee amendment was submitted:

Amend engrossed Assembly Bill by striking from line 1, Section 1, the word "thirty" and inserting in lieu thereof the words "seventy-five."

The ayes and noes were demanded.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Voorheis—31.

NOES—Senators Braunhart, Pedlar, Smith, and Withington—4.

Senator Braunhart moved to amend by adding the following in line 4, at the end of Section 1:

Provided, That the money hereby appropriated is to be applied exclusively to legislative printing during the thirty-second session of the Legislature.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Braunhart, Doty, Jones, La Rue, Pedlar, Seawell, Smith, Stratton, and Withington—9.

NOES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Langford, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Simpson, Toner, Trout, and Voorheis—26.

Assembly Bill No. 263 read second time and ordered to print.

Assembly Bill No. 10—An Act to amend Section 29 of an Act entitled “An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,” approved March 7, 1887, relating to redemption of property sold for non-payment of assessments.

Bill read second time.

RESOLUTION—(CASE OF URGENCY).

By Senator Seawell:

Resolved, That Assembly Bill No. 10 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted and the provisions of the Constitution suspended by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Withington—31.

NOES—None.

THIRD READING OF BILL.

Assembly Bill No. 10—An Act to amend Section 29 of an Act entitled “An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,” approved March 7, 1887, relating to redemption of property sold for non-payment of assessments.

Bill read third time.

The roll was called, and Assembly Bill No. 10 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder,

Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Smith, Trout, and Withington—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION.

Senator Withington offered the following resolution, and moved its adoption:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed and directed to provide no persons other than the Senators, the Senate committees, and the statutory officers of the Senate with any Assembly or Senate bills; that he is specially instructed not to furnish to persons not so connected with the Senate any bills or other documents in his charge for distribution.

Resolution adopted.

On motion of Senator Androus, Senate Joint Resolution No. 11 was taken up and considered.

SENATE JOINT RESOLUTION No. 11.

Requesting Congress to impose a tariff on foreign fresh table-grapes competing with the American product.

Resolved by the Senate, the Assembly concurring, WHEREAS, In the memorial to Congress adopted by the fruit-growers of California in convention assembled at Sacramento on the 2d day of December, 1896, a request that a tariff be imposed upon imports of fresh table grapes was overlooked, and not intentionally omitted from the schedule adopted; and

WHEREAS, There are annually imported into the United States many millions of pounds of grapes that come in competition with those grown in this country; and

WHEREAS, The tariff law of 1890—the McKinley law—whereby a specific duty of two cents per pound was imposed upon fresh table-grapes, was amended in 1894 by making it an ad valorem tariff of twenty per cent, equal to about eighty-one cents per one hundred pounds; and

WHEREAS, It must be remembered in fixing the schedule for foreign grapes, competing with ours, that our principal markets lie about three thousand miles away from our vineyards, and that the cost to California growers for transportation alone, to New York and other Eastern markets, is about two and one half cents per pound, while, generally speaking, the cost of transportation on imported fruits is about thirty cents per one hundred pounds, which, together with the import duty of eighty-one cents per one hundred pounds, makes the total cost to the importer \$1 11 per one hundred pounds, while the California growers have to pay for transportation alone about \$2 50 per one hundred pounds, or about \$1 40 more per one hundred pounds than the importer; and as we believe the California producer should have at least one cent per pound clearly protective over the foreign producer; therefore, be it

Resolved, That the Congress of the United States be and is hereby requested to add to the twenty per cent ad valorem tariff now imposed a specific tariff of two and one-half cents per pound upon all fresh table-grape importations;

Resolved, That the same be printed and duly attested, and a copy forwarded to each Senator and Representative in Congress now serving, and to each Senator and Representative of the Congress to assemble after the 4th of March, 1897, and that the Senators and Representatives from California at the time serving as such be and they are hereby especially requested to give the subject of this resolution their most earnest attention and support, and to press the same upon the attention of the Ways and Means Committee of the House of Representatives and the Committee on Finance of the Senate.

Resolution read.

Senator Androus moved its adoption.

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, and Trout—28.

NOES—None.

Senate Joint Resolution No. 11 ordered transmitted to the Assembly.

RECONSIDERATION.

Senator Bulla moved to reconsider the vote whereby the resolution offered by Senator Withington, concerning the disposition of Senate bills, was adopted.

Motion carried.

Senator Bulla moved that the resolution incorporate, among those entitled to receive bills from the Sergeant-at-Arms, the representatives of the press, in accordance with the resolution offered by Senator Simpson on January 5, 1897, and adopted on that day.

Amendment carried, and resolution as amended adopted.

ADJOURNMENT.

At three o'clock and five minutes P. M., on motion of Senator Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 26, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, January 22, 1897, was approved.

LEAVE OF ABSENCE.

Senator Wolfe was granted leave of absence for the day, on motion of Senator Gillette.

RESOLUTION—(OUT OF ORDER).

Senator Morehouse offered the following resolution, and moved its adoption:

Resolved, That a special committee of three be appointed, with special power to investigate the buildings and grounds formerly used as a Home for the Feeble-Minded at Santa Clara, with a view of converting them into a reformatory for girls.

Resolution adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President, in compliance with the foregoing resolution, appointed as the committee to investigate, Senators Morehouse, Androus, and Franck.

PETITION.

The following petition was presented by Senator Androus, and ordered printed in the Journal:

SOLDIERS' HOME, LOS ANGELES COUNTY, CAL., January 19, 1897.

Senator S. N. ANDROUS:

SENATOR: At a meeting of the delegates from the National precincts to the last Republican County Convention, the following protest was adopted and ordered sent to W. S. Melick, Assemblyman from the 70th District, and that copies be sent to Senators Bulla and Simpson:

WHEREAS, A bill has been introduced in both houses of the Legislature, the effect of which is to deprive residents of Soldiers' Homes of the right of suffrage in school districts. It is aimed at the members of the National Home in Los Angeles County.

Therefore, we do most earnestly urge you to oppose the passage of this bill by all honorable means: Because it is wrong in principle, to wit: in that the right to vote at elections in school districts does not depend upon any special privilege or qualification, but is the right of every citizen.

If this bill is enacted into law, it takes away a right as old as the State, a right hitherto unquestioned, the exercise of which right has caused no injury to the public schools, nor to the well-being of any citizen.

Any statement, by whomsoever made, that the right to vote in school districts has been exercised by members of the National Home to the detriment of any public school is not true. Upon this point we invite the closest scrutiny.

No body of citizens knows better the value of education, and none are more loyal to the public schools than the veterans of the Civil War.

At various times, other "homes" than Soldiers' Homes have been established within the State—corporate homes for the aged and unfortunate; a Masonic Home; an Odd Fellows' Home; all of which were instituted for the most worthy purpose of caring for those who need help. The beneficiaries of these homes are properly left in the full enjoyment of all their civil rights, including the right to live in school districts. Therefore, we believe that the bill to which we refer discriminates against and disqualifies only those who have earned the right to live in a Soldiers' Home. Are the Representatives and Senators of the State of California ready to single out the disabled veterans of the War of the Rebellion and put upon them a mark of inferiority such as this bill seeks to confer?

Finally, we ask you to oppose and prevent the passage of this bill, for the further reason that it is the sign of a purpose to deprive the disabled veterans living in Soldiers' Homes of the right to vote at any election. It is the entering of the thin end of the wedge; an unfriendly Legislature will drive it home.

GEORGE M. DIXON,
JESSE L. PRITCHARD,
CHARLES F. WEST,
JEROME TYRRELL,
E. B. GATES,
GEORGE STEWART,
GEORGE P. CLARK,
BARNABAS E. SWIFT,
JOHN W. HOYT,
ROBERT SMITH,
JAMES H. SPEER,
H. B. DEWING,
THOMAS MURPHY,
FREEMAN D. BACHELDER,
JOSEPH N. FULTON,
ASBURY TOWNSEND,
RUDOLPH RICHTER,
HARRY ZOOK,

Late Delegates to Republican County Convention, 1896.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage—have had the same under consideration, and respectfully report the same back, and recommend, by a vote of three to two, that the same be adopted. Senators Brauhart and Henderson voting no, and desiring that the report of the committee so state.

BERT, Chairman.

Senate Constitutional Amendment No. 12 ordered on twelve-day file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 72—An Act to provide for the omission of costs in Justices' Courts in actions to recover for personal services.

Also: Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Also: Senate Bill No. 97—An Act to amend Section 47 of the Code of Civil Procedure, relating to the place of holding the sessions of the Supreme Court.

Also: Senate Bill No. 124—An Act to amend section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Also: Senate Bill No. 173—An Act to amend Section 1469 of the Penal Code, relating to new trials on appeal from Justices' Courts.

Also: Senate Bill No. 174—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1430½, relating to trials without a jury in Justices' Courts.

Also: Senate Bill No. 191—An Act concerning champerty and maintenance, and to punish those guilty thereof.

Also: Senate Bill No. 192—An Act to amend Sections 1444 and 1445 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 34—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Senate Bill No. 152—An Act to amend Section 3555 of Article VI of the Political Code of the State of California.

Also: Senate Bill No. 179—An Act to amend Section 581 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of civil actions.

Also: Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Also: Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 270—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes"; and to repeal an Act, approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March

23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Also: Senate Bill No. 8—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Also: Senate Bill No. 130—An Act to amend "An Act to abolish attorneys' fees and other charges in foreclosure suits," approved March 27, 1874.

Also: Senate Bill No. 133—An Act entitled "An Act in relation to liens upon real property for expenses incurred by any public board or commission, and prescribing the manner of making said lien effective."

Also: Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Also: Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

Also: Senate Bill No. 141—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

Also: Senate Bill No. 142—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

Also: Senate Bill No. 143—An Act to amend Sections 739 and 769 of the Political Code, relating to the appointment of phonographic reporters by the Supreme Court.

Also: Senate Bill No. 150—An Act to amend Section 1323 of the Code of Civil Procedure of the State of California, relating to the probate of foreign wills.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 145—An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass. The minority report by Senator Stratton was, that the bill do pass.

Also: Senate Bill No. 143—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeal from judgment of Justices' or Police Courts.

Also: Senate Bill No. 144—An Act to amend Section 939 of the Code of Civil Procedure of the State of California, relating to time within which an appeal may be taken.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be given leave to withdraw.

SIMPSON, Chairman.

Senate Bills Nos. 72, 95, 97, 124, 173, 174, 191, 192, 34, 152, 179, 257, 268, 269, 270, 1, 8, 130, 133, 249, 332, 141, 142, 148, 150, and 145 ordered on file for second reading.

By unanimous consent, Senate Bills Nos. 143 and 144 were withdrawn by Senator Stratton, their author.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 258—An Act to appropriate \$5,000 for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects.

Also: Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance.

Also: Senate Bill No. 310—An Act for the protection of the Antwerp messenger, or homing pigeon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHIPPEE, Chairman.

Senate Bill No. 310 ordered on file for second reading.

Senate Bills Nos. 258 and 259 re-referred to the Committee on Finance.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, The Senate of the thirty-first session of the California Legislature appointed a Committee on Legislative Business, consisting of Senators Withington, Seawell, and Franck, to report at this session a better and cheaper method of conducting legislative business; and

WHEREAS, The said committee having performed the duties assigned them, be it

Resolved, That the Controller be and he is hereby directed to draw his warrants for the several amounts herein set forth, payable to the several persons, out of the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same:

D. L. Withington, traveling and hotel expenses, etc.....	\$100 00
J. H. Seawell, traveling and hotel expenses, etc.....	50 00
F. C. Franck, traveling and hotel expenses, etc.....	30 00
E. E. Carter, labor, typewriting.....	60 00
C. S. MacMullan, clerical services.....	50 00
Miss A. M. Bayless, services as stenographer and typewriter to committee.....	300 00
Miss L. Dennie, mailing and postage to members copies of report.....	15 32
F. J. Brandon, services as secretary from March, 1895, to January, 1897.....	\$1,200 00 :
paid for postage, hotel and traveling expenses, and sundry expenses.....	\$161 35. 1,361 35

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Simpson, Stratton, Trout, and Withington—28.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be directed to draw his warrant in favor of the Postal Telegraph Company for the sum of \$28 46, payable out of the Contingent Fund of the Senate, in payment of telegraphing resolutions to Washington, under directions of the Senate, on January 6th, as per accompanying bill:

SACRAMENTO, CAL., January 20, 1897.

California State Senate, in account with Pacific Postal Telegraph Cable Company:

January 6—Telegram to Hon. Stephen M. White, Washington.....	\$14 23
January 6—Telegram to Hon. George C. Perkins, Washington.....	\$14 23
	\$28 46

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Voorheis, and Withington—33.

NOES—None.

REPORT OF SPECIAL VISITING COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

The special sub-committee of the Committees on Public Buildings other than Prison Buildings, Hospitals, and Finance, which were appointed to visit the Mendocino Insane Asylum at Ukiah, the Home for Feeble-Minded at Glen Ellen, the Veterans' Home at Yountville, and the State Insane Asylum at Napa, beg leave to report that they have performed their duty, and that the expenses incurred were \$192, for railroad tickets and hotel bills, etc.; therefore,

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of E. S. Denison, Chairman of said sub-committee, for the sum of \$192, said warrant to be so drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

DENISON, Chairman Sub-Committee.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 178—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as Section 1234.

Also: Senate Bill No. 275—An Act to amend Section 388 of the Civil Code of the State of California, relative to the sale of a franchise to collect tolls.

Also: Senate Bill No. 276—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gates.

Also: Senate Bill No. 334—An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DICKINSON, Chairman.

Senate Bills Nos. 178, 275, 276, and 334 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 30—An Act to reduce the rates of fares on street railroads in cities, cities and counties, and towns, and to require the issuance of commutation tickets for not less than sixty trips at reduced rates—and the substitute drafted by the Committee on Corporations—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

MAHONEY, Chairman.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 56—An Act to provide for the purchase of additional lands and improving the same at the Folsom State Prison, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance.

MAHONEY, Chairman.

Senate Bill No. 56 re-referred to the Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed, viz.: Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

JONES, Chairman.

Senate Bill No. 155 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 22d of January, passed the following:

Assembly Bill No. 98—An Act to amend Section 1369 and Section 1379 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the competency and appointment of administrators of estates of deceased persons.

Also: Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 25th day of January, adopted the following:

Senate Joint Resolution No. 10—Relative to foreign immigration and proper restriction thereof.

Also: Senate Joint Resolution No. 11—Relative to requesting Congress to impose a tariff on foreign fresh table-grapes competing with the American product.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following:

Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Also: Assembly Bill No. 412—An Act to amend Section 337 of the Code of Civil Procedure.

Also: Assembly Bill No. 414—An Act to amend Section 339 of the Code of Civil Procedure.

Also: Assembly Bill No. 261—An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition, to be held in the City of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner, and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant Clerk.

Assembly Bill No. 98 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 30 read first time, and referred to the Committee on Mines, Drainage, and Mining Debris.

Senate Joint Resolutions Nos. 10 and 11 ordered to enrollment.

Assembly Bill No. 134 read first time, and referred to the Committee on Labor and Capital.

Assembly Bill No. 412 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 414 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 261 read first time, and referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

RESOLUTION—(OUT OF ORDER).

Senator Simpson offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to pay the following bill, as per voucher, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant therefor in favor of the Sergeant-at-Arms of the Senate, and the Treasurer is directed to pay the same:

SACRAMENTO, CAL., January 25, 1897.

Sold to Senate Chamber, by John Breuner:

1 looking-glass.....	\$3 50
1 desk.....	50 00
1 office chair.....	9 00
2 ant. desks.....	60 00
3 ant. desks.....	75 00
2 ant. desks.....	70 00
2 ant. desks.....	70 00
3 office chairs.....	22 50
6 office chairs.....	39 00
1 revolving bookcase.....	27 50
1 ant. desk.....	25 00
2 chairs.....	24 00
1 desk.....	35 00
1 office table (to order).....	20 00
1 ant. desk.....	25 00
1 office chair.....	12 00
1 typewriter desk.....	30 00
	<hr/>
	\$597 50

Resolution and voucher referred to the Committee on Attachés, Contingent Expenses, and Mileage.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Bert: Senate Bill No. 495—An Act to amend Section 622 of the Political Code of the State of California, relating to the retaliatory clause concerning insurance companies.

Referred to the Committee on Corporations.

Also: Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 497—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, in relation to the public pound, and the appointment of a Poundmaster and Deputy Poundmasters.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 498—An Act to provide for investigation of fires by the insurance department, and to make provisions for the expenses of the same.

Referred to the Committee on Corporations.

Also: Senate Bill No. 499—An Act to prescribe the duty of the Attorney-General and Insurance Commissioner in regard to the admission of insurance corporations, associations, or individuals to do business in this State.

Referred to the Committee on Corporations.

Also: Senate Bill No. 500—An Act to amend an Act entitled "An Act in relation to labor and material on public buildings in the State of California," approved April 4, 1870.

Referred to the Committee on Labor and Capital.

By Senator Morehouse: Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

Referred to the Committee on Corporations.

Also: Senate Bill No. 502—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to the appointment of special administrators.

Referred to the Committee on Judiciary.

By Senator Androus: Senate Bill No. 503—An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act," approved March 25, 1893.

Referred to the Committee on Irrigation and Water Rights.

Also: Senate Bill No. 504—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

Referred to the Committee on Hospitals, Health, and Quarantine.

By Senator Dickinson: Senate Bill No. 505—An Act to provide for the making of a certain map of the several counties of the State of California.

Referred to the Committee on Finance.

Also: Senate Bill No. 506—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds.

Referred to the Committee on Judiciary.

By Senator Hall (by request): Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

Referred to the San Francisco Delegation.

Also (by request): Senate Bill No. 508—An Act to amend an Act entitled "An Act appropriating \$40,000 for the purpose of the establishment and management of the Industrial Home for Mechanical Trades for the Adult Blind of the State of California," approved March 5, 1885, and to prescribe the duties of the officers thereof, and of the State officers in reference thereto.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Pedlar: Senate Bill No. 509—An Act to amend Section 574 of the Civil Code, relating to the ownership and disposition of property of savings and loan corporations.

Referred to the Committee on Corporations.

By Senator Jones: Senate Bill No. 510—An Act empowering the Board of Supervisors in each county of this State to correct any error made on the assessment of any property.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 511—An Act to amend Section 4161 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to County Treasurer loaning public money or making general deposits.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Stratton: Senate Bill No. 512—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079 and 1080, relative to county, city, and city and county Boards of Election Commissioners.

Referred to the Committee on Elections.

By Senator Doty: Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

Referred to the Committee on Finance.

By Senator Chapman: Senate Bill No. 514—An Act to amend Section 485 of the Civil Code of the State of California, relating to fencing the right of way of railroad corporations, and the liability for failing so to do.

Referred to the Committee on Corporations.

By Senator Voorheis: Senate Bill No. 515—An Act prescribing the manner of locating and relocating mining claims and mill sites upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders.

Referred to the Committee on Mines, Drainage, and Mining Debris.

By Senator Flint: Senate Bill No. 516—An Act to amend Section 1885 of the Political Code of the State of California, relating to form of bonds, when payable.

Referred to the Committee on Education and Public Morals.

By Senator Stratton: Senate Bill No. 517—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

Referred to the Committee on Corporations.

By Senator Boyce: Senate Bill No. 518—An Act to amend Sections 1083, 1204, 1230, 1231, and 1236 of the Political Code, relative to qualification, registration, and challenging of electors.

Referred to the Committee on Elections.

Also: Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 520—An Act to provide for the completion of the revision and compilation of certain books of the State series of school text-books, and for the continued publication of the same, and to authorize and direct the use for these purposes of the money accumulated in the State School Book Fund.

Referred to the Committee on Education and Public Morals.

By Senator Morehouse: Senate Bill No. 521—An Act to provide for additional improvements at the State Insane Asylum, located at Agnews, in the County of Santa Clara, State of California, and to make an appropriation therefor.

Referred to the Committee on Finance.

By Senator Doty: Senate Bill No. 522—An Act to amend an Act entitled "An Act to create an exempt firemen's relief fund in the several counties, cities, and towns of the State, and relating to the enroll-

ment, formation into fire companies, and services as firemen of such exempt firemen," approved March 26, 1895.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Aram: Senate Bill No. 523—An Act to appropriate money for the support of orphans, half orphans, abandoned children, foundlings, and other abandoned infants.

Referred to the Committee on Education and Public Morals.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 17—An Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof.

Before the third reading, Senator Brauhart's substitute, offered on a previous day, was read, as follows:

SUBSTITUTE FOR SENATE BILL No. 17.

An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco,'" which said amendatory and supplemental Act now amended was approved February 23, 1893, and to fix the term of office of the Judges of said Court.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March fifth, eighteen hundred and eighty-nine, and amended February twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:

Section 1. There is hereby created and established in and for the City and County of San Francisco, State of California, a court to be known as the "Police Court of the City and County of San Francisco," which court shall consist of four judges who shall be elected at the general elections held according to law at which the Governor of the State of California is elected, each of whom shall hold office for the term of four years, any one or more of whom may hold court. The court shall be divided into departments known as Department Number One, Department Number Two, Department Number Three, Department Number Four. There may be as many sessions of said court at the same time as there are judges thereof. The judges shall choose from their number a presiding judge, who may be removed at their pleasure. He shall assign the judges to their respective departments; *provided, however*, that either of the judges may preside in either of the departments in the absence or inability to act of the judge regularly assigned thereto. The judgments, orders, and proceedings of any session of said court, respectively, shall be equally effectual as if all of the judges of said respective courts presided at such session.

SEC. 2. Section five of said Act is hereby amended so as to read as follows:

Section 5. The District Attorney of the City and County of San Francisco shall have the conduct and attend to the prosecution of all actions, cases, and proceedings coming before said court. He shall appoint an Assistant District Attorney for each of the departments of said court, who shall receive a salary of two hundred and fifty dollars per month. The District Attorney shall also appoint a chief warrant and bond clerk, whose salary shall be two hundred dollars per month, and four assistant warrant and bond clerks, whose salaries shall be one hundred and twenty-five dollars per month. It shall be the duty of the warrant and bond clerk to keep his office always open, day and night, for the transaction of business; to draw complaints in actions in the Police Court; to take and approve bail and appeal bonds when the liability thereof does not exceed one thousand dollars, and to order the discharge from custody of the persons for whose appearance the bonds are taken; to take cash bail to the extent in any one case of one thousand dollars; to have the custody of all bail and appeal bonds taken in or for the Police Court, to examine the sufficiency of every bail and appeal bond taken in or for the Police Court, and to make a return thereon within twenty-four hours after such bond shall have come into his possession, in the following form:

"I, ———, warrant and bond clerk of the City and County of San Francisco, have examined the within bond and find it good in law. I have examined the records of the City and County of San Francisco and find the property, its owners, and incumbrances herein described to be correct according to said records." Signed: ———, Warrant and Bond Clerk of the City and County of San Francisco.

The warrant and bond clerk shall also indorse upon the bond the time when it was issued by him, or when it came into his possession. The chief warrant and bond clerk shall keep a record of all bonds that are forfeited, and it shall be the duty of the City and County Attorney to begin suit for the recovery of the amount for which the bondsmen are liable to the State of California immediately after the bonds are declared forfeited.

Each of the warrant and bond clerks shall be required to account for all moneys received as bail, and make a record of the same in the manner now required by law of the clerks of the Police Court. The power of said clerks to issue bonds and to order the release of prisoners is hereby abolished.

In the matter of fixing bail and ordering the release of prisoners, the warrant and bond clerks shall be subject to the orders of the Judges of the Police Court, and any violation of a valid order of said judges shall be a contempt of court.

For any failure to keep his office open continuously, the warrant and bond clerk failing to perform his duty shall be liable to a penalty of one hundred dollars, to be collected in a civil action, one half thereof going to the person or persons securing a judgment against the warrant and bond clerk, and the other half going to the City and County of San Francisco. Each of the warrant and bond clerks shall execute a bond in the sum of ten thousand dollars to indemnify the City and County of San Francisco against loss caused by his malfeasance or gross negligence, or that of any of his assistants.

SEC. 3. Section six of said Act is hereby amended so as to read as follows:

Section 6. The County Clerk of the City and County of San Francisco shall be the ex officio clerk of the Police Court, and for the purpose of transacting the business of clerk of said court, may appoint four deputy county clerks, one for each department of the said Police Court, who shall transact all the business as now provided by law, and shall receive as compensation for their services a salary of one hundred and seventy-five dollars per month.

SEC. 4. Section eight of said Act is hereby amended so as to read as follows:

Section 8. There shall be appointed by the judge of each department of said court a stenographer, who shall receive a salary of one hundred and fifty dollars per month for reporting, and for transcription, ten cents per folio of one hundred words for the original, and five cents per folio for a copy.

SEC. 5. Section ten of said Act is hereby amended so as to read as follows:

Section 10. The City and County Auditor shall prepare and deliver to the County Clerk for use in the Police Court as many official receipts as may be required. The Auditor shall sign such receipts and deliver them to the County Clerk specifying in the charge the amounts thereof named in such official receipts, and the class of receipts, respectively, taking receipts therefor, and said clerk shall countersign the same; and upon the payment of any fine imposed by the Judge of the Police Court, he must deliver to the person paying the same an official receipt for the amount of such fine, and shall daily pay to the City and County Treasurer all moneys so collected or received by him; and shall under oath, on the first day of each month, and oftener, when required so to do by the Auditor, make to the Auditor a report of all such official receipts issued and used by him during the preceding month, and on hand at the close of official business on the last day after the preceding month, and of all moneys so paid by him to the Treasurer during the preceding month, and shall at such time exhibit to the Auditor all unused official receipts, or official receipts not issued remaining in his hands and the Treasurer's receipts for all moneys paid into the treasury. Whenever any money is deposited with the County Clerk as bail money, the County Clerk must deliver to the person depositing such money an official receipt therefor, signed by himself, written upon an official receipt countersigned and furnished for that purpose by the Auditor, and shall daily pay to the City and County Treasurer all moneys so collected or received by him, taking the Treasurer's receipt therefor. The said money shall be received and kept by the Treasurer as a special deposit, and shall be paid out by him on the order of the Judge of the Police Court, if the bail is exonerated, in the same manner as deposits of money in the custody of the Treasurer belonging to estates of deceased persons are paid out. At least one day shall intervene between the deposit of the money with the Treasurer and the payment on the order made by the Judge of the Police Court. The Treasurer shall be liable on his official bond for the safe-keeping and disbursement of all money so deposited with him; but nothing contained in this Act shall be construed or held to relieve the County Clerk from any liability for his acts in relation to moneys collected or received by him. All official receipts must be kept and bound in books containing not more than one hundred such receipts, each receipt and stub thereof bearing a number, beginning with number one in each class for each fiscal year, and numbered in consecutive order. When a receipt is issued or used by the County Clerk, he must enter on the stub corresponding with the receipt the name of the person making the payment of the fine or depositing the money as bail, the offense of which the person was convicted, and the name of the person convicted, or the offense of which the person bailed is charged, and the name of the person bailed, and the date and amount of the payment or deposit. Any person making, issuing, or giving a receipt for money received in payment of a fine, or for money deposited as bail, other than the official receipt countersigned and furnished by the Auditor, is guilty of a felony.

Sec. 6. Section thirteen of said Act is hereby amended so as to read as follows:

Section 13. At least one of the judges, and the deputy county clerk assigned as clerk of such judge's department, shall be constantly in attendance in the court-room or chambers each day, Sundays excepted, until the hour of five o'clock P. M., and it shall be the duty of the presiding judge to see that the provisions of this section shall be faithfully complied with.

Sec. 7. The appointments provided for in this Act by the District Attorney and County Clerk shall not take effect till the first Monday in January, eighteen hundred and ninety-nine.

Sec. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Substitute adopted.

The substitute having been printed, per order of the Senate, on a previous day, the bill was considered engrossed and ordered on file for third reading.

Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof so as to provide more fully for carrying into effect the intention of the provisions of said Act.

During consideration of the bill, the following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 1, and have examined the same, and report that the object cannot be secured under existing laws, that the same is correct in text and reference, and contains no unconstitutional provisions, but that the bill should amend Section 1 of the Act of 1893.

WITHINGTON, for the Committee.

Senator Withington moved that Senator Androus be appointed a special committee of one to amend the bill, as recommended by the Committee on Judiciary, as follows:

Amend by striking out quotation marks in line 9 of the title, after the word "purposes," and after the word "entitled," in the tenth line of said title, page 1 of printed bill.

Amend by inserting, after enacting clause, page 1 of printed bill, the following:

SECTION 1. The Board of Education of any school district in a city of the fifth class, or of any school district which embraces territory a portion of which is within and a portion of which is without such city of the fifth class, may, when in their judgment it is advisable, and must, when requested by the Board of Trustees of such city, call an election, and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

Amend by striking out the words and figures, "by amending Sections 8 and 9 thereof," on last line of page 1, in title of printed bill, and inserting instead thereof the following: "By amending Sections 1, 8, and 9 thereof."

Amend by striking out the figure "1," after the word "section," line 1, Section 1, page 2, of printed bill, and inserting instead thereof the figure "2."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 1, with instructions to amend as recommended by the Committee on Judiciary, respectfully reports the same back, amended as per instructions.

ANDROUS, Committee.

Report of special committee of one and amendments adopted.

Bill read third time, and ordered to print and reëngrossment.

Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

During the third reading of bill, Senator Dickinson moved that the bill be referred to a special committee of one, consisting of Senator Bert, to amend as follows:

By inserting in Section 1, line 8, after the word "Department," the following: "the Homœopathic Medical Department, when established."

Upon the question, "Shall such be the order?"

The ayes and noes were demanded by Senators Bert, Stratton, and Withington.

The roll was called, and the motion lost by the following vote:

AYES—Senators Boyce, Bulla, Dickinson, Doty, Hall, Holloway, Jones, La Rue, Morehouse, Shine, Shippee, and Simpson—12.

NOES—Senators Androus, Aram, Beard, Bert, Denison, Dwyer, Feeney, Flint, Gillette, Gleaves, Henderson, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Smith, Stratton, Toner, Trout, and Withington—22.

Senator Dickinson moved that Senator Bert be appointed a special committee of one to amend bill as follows:

Strike out all after the word "California," in line 7, down to and including the words "San Francisco."

So ordered.

Senator Withington moved that the special committee of one just appointed be instructed to amend as follows:

Add to end of Section 1, "which appropriation is to replace the \$125,000 appropriation heretofore for like purposes, but which lapsed by reason of non-use during the forty-seventh fiscal year."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 16, with instructions to amend, respectfully reports the same back, amended as per instructions.

BERT, Committee.

The report of special committee of one and amendment adopted.

Bill read third time, and ordered to print and reëngrossment.

Senate Bill No. 111—An Act to amend Section 1093 of the Penal Code, relating to order of trial.

The Senate, on yesterday, having voted to reconsider the vote whereby the following amendments:

Strike out of Section 1 all of lines 26 and 27, printed bill, and insert the same after line 34, printed bill.

Also: Renumber Sections 6 and 7.

were on a previous day adopted, and the further consideration of the bill having been postponed until this day, the question recurred on the adoption of the amendments.

Amendments readopted.

Senate Bill No. 111 ordered to print and reëngrossment.

Senate Bill No. 114—An Act to amend Section 1127 of the Penal Code, relating to charging the jury.

Bill considered engrossed and read third time.

The roll was called, and Senate Bill No. 114 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—34.

NOES—None.

Title read and approved.

Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

Bill passed on file, but to retain its place.

Senate Bill No. 35—An Act to authorize cities and towns owning public parks outside of their limits to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities or towns to, into, and through such parks, and to acquire lands for that purpose.

Bill passed on file, but to retain its place.

Senate Bill No. 36—An Act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

Bill passed on file, but to retain its place.

Senate Bill No. 37—An Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities and towns leading to public parks owned thereby.

Bill passed on file, but to retain its place.

The following vouchers for merchandise purchased were sent to the desk and read:

SACRAMENTO, CAL., January 22, 1897.

State of California to L. F. Blackburn, Sergeant-at-Arms Senate, Dr.:

January 22d, to amounts advanced as follows:

Union Ice Co., Voucher No. 1	\$12 40
B. Wilson & Co., Voucher No. 2	12 00
Chas. Flohr, Voucher No. 3	50
Kirk, Geary & Co., Voucher No. 4	2 00
Day & Joy, Voucher No. 5	3 00
H. S. Crocker Co., Voucher No. 6	25 30
H. S. Crocker Co., Voucher No. 7	63 50
Total	\$118 70

Bought of Union Ice Co.:

January 17—1,240 pounds of ice, @ 1c

\$12 40

Bought of B. Wilson & Co.:

January 6—2 dozen roller towels, @ \$6

12 00

Bought of Chas. Flohr:

January 6—1 door key, room 59

50

<i>Bought of Kirk, Geary & Co.:</i>	
January 13—2 large thermometers, @ \$1	\$2 00
<i>Bought of Day & Joy:</i>	
January 14—11 badges	3 00
<i>Bought of H. S. Crocker Co.:</i>	
January 22—2 dozen Globe files, @ \$12 65	25 30
January 12—1 box chalk	\$0 25
January 13—3 dozen Globe files, @ \$12 65	37 95
January 15—2 dozen Globe files, @ \$12 65	25 30
	<hr/> 63 50

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

The hour of twelve o'clock and thirty minutes p. m. having arrived, the President declared a recess.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Frank, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luhsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorhees, and Withington.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 63—An Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895—and have examined the same, and report that the object cannot be secured under existing laws, that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senate Bill No. 63 ordered on file for third reading.

SPECIAL ASSEMBLY FILE.

Assembly Bill No. 263—An Act making an appropriation for the support of the State Printing Office for the forty-eighth fiscal year.

Bill read third time.

Before the roll call on the passage of the bill was proceeded with, the following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 263, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 263 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Mahoney, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis—28.
NOES—Senators Pedlar and Withington—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893—relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 55—An Act to authorize State agricultural societies, under the control of the State, to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and direct how the proceeds shall be applied.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 120—An Act to legalize certain acknowledgments.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 122—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663 and 663½, respectively, providing for the setting aside of a judgment of a Superior Court and the rendition of a new judgment without a new trial.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 123—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 126—An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial.

Bill passed on file, but to retain its place.

Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

During the second reading, the following committee substitute for the bill was read:

SUBSTITUTE FOR SENATE BILL No. 65.

An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the legislative authority of any city, county, or city and county declare the necessity for the erection, addition to, or alteration of any building, improvement, or structure, the cost of which shall exceed one thousand dollars, they shall advertise, in the manner and method allowed by law, for bids and proposals for

the such erection, addition to, or alteration; and which advertisement must give notice, and must state that separate bids shall be received and separate contracts let for the performance of each of the following parts of said erection, addition to, improvement, or alteration, including the furnishing of materials and labor therefor, viz.: First—For the masonry work, including all brick, stone, terra cotta, and concrete work, and all necessary excavations and filling. Second—For the iron work. Third—For plastering. Fourth—For the carpenter, electric, and glazing work. Fifth—For the plumbing and gasfitting work. Sixth—For the heating work. Seventh—For the tinning, galvanized-iron, and slating work. Eighth—For the painting and graining work. In addition thereto, proposals and bids may be invited for any other branch of work of any other trade or calling not otherwise hereinabove provided for.

Sec. 2. The plans and specifications must be sufficiently definite to enable bidders to bid intelligently for any part or parts of the above work, and in all such cases there shall be as many separate contracts let therefor as there are different kinds of work, according to the foregoing classification.

Sec. 3. Nothing in this Act shall conflict with an Act conferring power on the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants to acquire or condemn land for suitable sites, or erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

Sec. 4. This Act shall take effect thirty days after its passage.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889.

During the second reading of the bill, the following committee amendments were read:

Amend by striking out of the title all the words after the figures 1889, up to and including the figures 1891.

Also: Amend by striking out of line 8, page 1, of Section 1, the words, "the period of."

Also: Amend by inserting after the word "person," in line 13, page 2, of Section 1, the following words: "after becoming sixty (60) years of age."

Also: Amend by striking out all of Section 3.

Also: Amend by striking out the figure 4, in Section 4, and inserting in lieu thereof figure 3.

Amendments adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 75—An Act to amend subdivision 9 of Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

During the second reading of the bill, the following committee substitute was submitted and read:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 75.

An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight hundred and sixty-two of article three, chapter seven, of said Act, be and the same is hereby amended so as to read as follows:

Section 862. The Board of Trustees of said city shall have power:

1. To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any water front.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city or town, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and cross-walks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade-trees therein; and generally to manage and control all such highways and places.

5. To construct, establish, and maintain drains and sewers.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city.

8. To impose and collect an annual license, not exceeding two dollars, on every male dog, and four dollars on every female dog, owned or harbored within the limits of the city.

9. To levy and collect annually a property tax, which shall not exceed one hundred cents on each one hundred dollars.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law, and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that any license taxes collected under a city ordinance shall be collected by the City or Town Marshal, and paid into the city or town treasury, for the use of the city or town in which it is collected.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the waterfront of the city, to construct and maintain embankments and other works to protect such city from overflow, and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea, within the corporate limits of such city, or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses, and lifesaving stations.

12. To erect and maintain buildings for municipal purposes.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light and heat, public libraries, museums, gymnasiums, parks, and baths, and to permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city.

16. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 2. This Act shall take effect immediately.

Committee substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 32 — An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make and give to the Assessor a statement of their property.

During second reading of the bill, the following amendments were submitted and read:

By the committee:

Amend by striking out the words "corporation, joint-stock association, or company, resident or doing business in this State," in lines 4 and 5, page 1, Section 1, of printed bill.

Also: Amend by striking out the words "corporation, joint-stock company, or company," in line 10, page 1, Section 1, of printed bill.

Also: Amend by striking out the words "corporation, joint-stock association, or company," in line 12, page 1, Section 1, of printed bill.

Also: Amend by adding in line 14, page 1, Section 1, of printed bill, before the word "report," the word "verified."

Also: Amend by striking out the words "corporations, joint-stock associations, and

companies, resident or doing business in this State," lines 16 and 17, page 2, Section 1, of printed bill.

Also: Amend by striking out the words "corporations, joint-stock associations, or companies, resident or doing business in this State," lines 20, 21, and 22, page 2, Section 1, of printed bill.

Committee amendments adopted.

By Senator Seawell:

Amend by inserting the following, after the word "oath," on line 28 of page 2: "within ten days from making an order requiring such statement."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 18—An Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings in counties, and cities and counties, of one hundred thousand inhabitants and over.

During the second reading of the bill, Senator Bert submitted the following amendments, which were adopted:

Amend the title by striking out all after the word "in," in the title, and inserting after said word "in," the following: "cities, and cities and counties, of the first class."

Also: In line 1, page 1, Section 1, after the words "in all cities," add the word "counties," before the word "and." Strike out in lines 1 and 2, of Section 1, the words "over one hundred thousand inhabitants." After the word "of," in line 1, Section 1, add the words "the first class."

Also: In line 11, Section 1, after the word language, add the following: "And to interpret the English language and dialects into the Japanese language."

By Senator Braunhart:

Amend by striking out of Section 2, line 2, the words "and fifty."

Amendment lost.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 79—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill read second time, and re-referred to the Committee on Judiciary, on motion of Senator Jones.

Senate Bill No. 58—An Act to appropriate money for the erection of a monument upon the plot of ground belonging to the Sacramento Association of Veterans of the Mexican War, situate in the City Cemetery of Sacramento, and for the improvement of said grounds.

Bill read second time, and considered engrossed.

Upon the question, "Shall the bill be ordered on file for third reading?"

The same was put and lost.

Whereupon the President declared that the Senate refused Senate Bill No. 58 a third reading.

Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down and returning, an exhibit of the products of the State

of California at the Tennessee Centennial Exposition, to be held in Nashville in 1897, and to provide for a commission, secretary of commission, and for the pay of the secretary thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 163—An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition, to be held in the City of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 126—An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS.

Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

The bill having been read a third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Simpson, Smith, Stratton, Trout, and Withington—27.

NOES—None.

Title read and approved.

Senate Bill No. 60—An Act conferring power upon the governing body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

The bill having been read a third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 60 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Seawell, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 245—An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

A substitute for the same, reported from the Committee on Agriculture, was also considered.

In view of the fact that still another substitute was presented to the Finance Committee by Senators Henderson and Doty, it was decided to report back the original bill and the two accompanying substitutes, and recommend a re-reference of the same to the Committee on Agriculture.

Also: Senate Bill No. 260—An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

VOORHEIS, Chairman.

Senate Bills Nos. 245, 260, and 261 ordered on file for second reading.

Senate Bill No. 182, with accompanying substitutes, re-referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

ADJOURNMENT.

At three o'clock and forty-five minutes p. m., the Senate, on motion of Senator Simpson, adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 27, 1897. }

The Senate met pursuant to adjournment, at ten o'clock a. m.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Monday, January 25, 1897, was approved.

LEAVE OF ABSENCE.

Senator Denison was granted a leave of absence for the day, on motion of Senator Voorheis.

PETITION.

The following petition was presented by Senator Androus, and ordered printed in the Journal:

HEADQUARTERS CAMP No. 8, ARMY AND NAVY REPUBLICAN LEAGUE, {
LOS ANGELES, CAL., January 23, 1897. }

To Senator S. N. ANDROUS, *Sacramento, Cal.*:

At a regular meeting of the above camp, the following protest was unanimously approved and copies ordered sent to our representatives at Sacramento:

WHEREAS, It having come to our knowledge that a bill, known as Assembly Bill No. 290, has been introduced in both houses of the Legislature, the effect of which is to deprive the inmates of Soldiers' Homes of the right of suffrage in school elections, it being aimed at the members of the National Soldiers' Home in Los Angeles County.

Therefore, we most earnestly urge you to oppose the passage of the bill by all honorable means, because it is wrong in principle, to wit: in that, to vote at school elections in school districts does not depend upon any special privilege or qualification, but is the right of every citizen.

Finally, we ask you to oppose and prevent the passage of this bill for the further reason that it is the sign of a purpose to deprive the disabled veterans living in Soldiers' Homes of the right to vote at any election.

FRED W. STEIN, Colonel Commanding.
SAM KUTZ, Chairman Committee.

Attest: JOHN DAVIS, Adjutant.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 61—An Act providing for the election of delegates to party conventions, regulating the conduct of such conventions, and prescribing punishments for violations of duties imposed herein—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, the same having been embodied in Substitute Senate Bill No. 140.

Also: Senate Bill No. 325—An Act providing for a general primary election within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and providing for the use of party vignettes and the protection thereof, and repealing all other Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, the same having been embodied in Substitute Senate Bill No. 140.

Also: Senate Bill No. 171—An Act to establish a uniform system of primary elections in the State of California, and to repeal Sections 1357 to 1365, both inclusive, of the Political Code of this State, constituting Chapter XIV of Title II, Part III, of said Code, and to constitute the several sections of this Act as Chapter XIV of said Code, under the head "Primary Election Law"—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, the same having been embodied in Substitute Senate Bill No. 140.

STRATTON, Chairman.

Senate Bills Nos. 140, 61, 325, and 171 ordered on file for second reading.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 158—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by inserting a

new section therein, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ANDROUS, Chairman.

Senate Bill No. 158 ordered on file for second reading.

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Senate Bill No. 20—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and recommend that it be referred to the Committee on Finance.

Also: Assembly Joint Resolution No. 7—Relative to the opening of a ship channel between San Francisco Bay and Antioch—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Bill No. 186—An Act authorizing and empowering the Board of State Harbor Commissioners to grant, exchange, or transfer certain property east of the westerly line of East Street, as delineated and located upon the ground, between Clay Street and Market Street, in the City and County of San Francisco, to or with the owner or owners of certain property on the triangular corner common to Market, Sacramento, and East streets—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 66—An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the port of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GLEAVES, Chairman.

Senate Bill No. 20 re-referred to the Committee on Finance.

Assembly Joint Resolution No. 7 ordered on special Assembly file.

Senate Bills Nos. 186 and 66 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 189—An Act to amend Sections 566 and 641 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.

Also: Senate Bill No. 349—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

Also: Senate Bill No. 369—An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances.

Also: Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 188—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Also: Senate Bill No. 190—An Act to amend Section 1727 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to Public Administrators.

Also: Senate Bill No. 194—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 246—An Act to amend paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Committee on Judiciary requests the return of Senate Bill No. 148—An Act to amend Sections 739 and 769 of the Political Code, relating to the appointment of phonographic reporters by the Supreme Court—for further consideration.

SIMPSON, Chairman.

Senate Bills Nos. 189, 349, 369, 373, 188, 190, 194, and 246, ordered on file for second reading.

There being no objection, Senate Bill No. 148 was ordered from second-reading file and re-referred to the Committee on Judiciary.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, January 26, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 396—An Act to amend "An Act amendatory of an Act entitled 'An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining,'" approved March 30, 1874—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

SHINE, Chairman.

Senate Bill No. 396 re-referred to the Committee on Judiciary.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 120—An Act to legalize certain acknowledgments.

Also: Senate Bill No. 55—An Act to authorize State agricultural societies, under the control of the State, to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied.

Also: Senate Bill No. 266—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Also: Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down and returning, an exhibit of the products of the State of California at the Tennessee Centennial Exposition, to be held in Nashville in 1897, and to provide for a commission, secretary of commission, and for the pay of the secretary thereof.

Also: Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor.

Also: Senate Bill No. 122—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663 and 663½, respectively, providing for the setting aside of a judgment of a Superior Court, and the rendition of a new judgment without a new trial.

Have examined the same, and report that the object cannot be secured under existing laws; that the same are correct in text and reference, and contain no unconstitutional provisions.

WITHINGTON, for the Committee.

REPORT OF SUB-COMMITTEE ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: The Sub-Committee on Hospitals, appointed by the Chairman to investigate and report upon the sanitary condition and medical features of the management of the Mendocino Insane Asylum at Ukiah, of the Home for Feeble-Minded at Glen Ellen, of the Veterans' Home at Yountville, and of the State Insane Asylum at Napa, beg leave to report that they have visited and carefully investigated the State institutions named, and desire to report as follows:

The asylum at Ukiah was cleanly, the patients comfortably clothed and cared for, and the sanitary condition of the institution much better than on the visit of the legislative committee two years ago. A large marsh near the asylum has been drained, as recommended by the previous legislative committee; the sewage-disposal plant has also been completed as recommended. More water is needed for the use of the asylum, especially for fire protection, and an electric light plant would add to the safety and convenience of the institution. The ice plant asked for is greatly needed, on account of the summer climate, and the same could be operated by either the use of the steam power or by water power, of which the directors claim there is an abundance in a near-by cañon.

The Home for the Feeble-Minded is well conducted, and everything that can be done to ameliorate the condition of these most unfortunate wards of the State is being done. We found the personal cleanliness of the lower-grade children vastly improved since the last legislative inspection two years ago. An electric light plant here is most desirable also, and some of the cottages asked for, if built, will greatly improve the

institution. The cottage system of caring for patients in public institutions is now indorsed by the highest medical authority, as it enables the patients to be more completely divided into classes and groups and furthers the individualized treatment of the inmates. With cottages surrounded by proper fencing it would be possible to allow the lower-grade patients to spend much time out of doors during the fair weather, thus giving them an abundance of fresh air, which is one of the best remedies in the treatment of this class of disease. In any event they should be moved out of the top story of the building.

The Veterans' Home is wonderfully changed for the better during the last two years. Not only have new buildings been erected, adding greatly to the capacity of the institution, but the wards are far brighter and more cleanly than when last visited, and the sanitary condition of the establishment, especially the closets and washing arrangements, have been entirely changed, and everything is now clean and odorless. This is in line with the recommendation of the committee on its previous visit.

At the Napa Asylum, the welfare of the patients seems to leave little to be desired. Everything is cleanly and comfortable, and the inmates are well cared for. A clinical history of every case in the institution has been ordered by the Board of Trustees, who have added the following sections to their by-laws:

Section 4. They shall keep clinical records of cases, under direction and supervision of the resident physician, in the following manner: Upon admission to the asylum, during the first month, daily; during the second and third months, bi-weekly; during the fourth and fifth months, weekly; during the sixth and seventh months, once in two weeks; during the eighth and ninth months, once in three weeks, and during the tenth, eleventh, and twelfth months, monthly. From and after the close of the first year, a clinical record of all cases shall be made every two months, unless death or recovery takes place, or a leave of absence is granted. When any patient, either acute or chronic, is suffering from acute bodily disease, so as to be confined in bed, or under treatment, a daily report of the case shall be kept; also, any unusually nervous or mental manifestation occurring in any case is to be recorded at the time, and daily during its continuance.

Section 5. They shall prescribe and superintend the administration of medicines under the direction and supervision of the resident physician, and shall state in the clinical record the kind and amount of medicines and stimulants prescribed, and the hours when given. In addition to the above, the clinical record shall show the condition of the bodily and mental functions at the time of the examination of the patient, and also all the means and methods used to give relief or further recovery.

When a patient enters the institution he will be photographed, be given a thorough physical examination, a careful ophthalmoscopic examination of the eye, as well as a careful analysis of the urine, followed by an exhaustive examination of the mental and sensory functions. This data is to be preserved and prepared on blanks arranged like those used in the best institutions of the kind in the country.

Sixteen hundred and sixteen steel cases have been ordered by the board for the preservation of these records, which will give a complete medical history of every patient from the time he enters the institution until he leaves.

It is stated by the Medical Superintendent that, owing to the insufficient supply of water during the summer, it is impossible to flush the closets on the upper floors for several hours daily. This is a condition of affairs that should be remedied.

All of which is respectfully submitted.

PEDLAR, Chairman Sub-Committee.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 26th day of January, adopted the following:

Senate Joint Resolution No. 5, relative to dredging channel from San Pablo Bay to Mare Island.

Also: Senate Joint Resolution No. 2, relative to the fruit industry.

Also: Assembly Joint Resolution No. 4, relative to the establishment of a republican form of government in the Hawaiian Islands.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant Clerk.

Senate Joint Resolutions Nos. 5 and 2 ordered to enrollment.

Assembly Joint Resolution No. 4 referred to Committee on Federal Relations and Immigration.

RESOLUTION—(OUT OF ORDER).

Senator Flint offered the following resolution, and moved its adoption:

Resolved, That the special committee on heating, ventilating, and improving the sanitary condition of this chamber, consisting of the Lieutenant-Governor, and Senators Flint and Boyce, be and is hereby granted further time to report.

Resolution adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, read first time, and referred to committees, as indicated:

By Senator Gleaves: Senate Bill No. 524—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Referred to the Committee on Finance.

By Senator Simpson: Senate Bill No. 525—An Act to amend the Penal Code, by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Referred to the Committee on Education and Public Morals.

By Senator Dwyer: Senate Bill No. 526—An Act relating to the taking of depositions, and amending Section 2032 of the Code of Civil Procedure of the State of California.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 527—An Act relating to the falsifying of evidence, and amending Section 132 of the Penal Code of the State of California.

Referred to the Committee on Judiciary.

By Senator Henderson: Senate Bill No. 528—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Seawell: Senate Bill No. 529—An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, California, for moneys expended in behalf of the State of California, for foreclosing State school lands in Colusa County, State of California.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Langford: Senate Bill No. 530—An Act to amend Section 3493 of the Political Code of the State of California, relating to the dissolution of swamp-land or reclamation districts.

Referred to the Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 531—An Act to amend Section 3472 of the Political Code of the State of California, relating to the formation of swamp-land or reclamation districts.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Luchsinger: Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys,

courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885; amended March 14, 1889; also, March 17, 1891; also, March 31, 1891; also, March 9, 1893, and also, March 11, 1893.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Dickinson: Senate Bill No. 533—An Act authorizing municipal authorities to designate and set apart streets, and portions of streets, as boulevards, and restricting the power to grant franchises upon streets so designated and set apart.

Referred to the Committee on Judiciary.

By Senator Dwyer: Senate Joint Resolution No. 12—Relative to the protection of free labor and industries in which it is employed.

Referred to the Committee on Labor and Capital.

THIRD READING OF BILLS.

Senate Bill No. 17—An Act to amend Section 1 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and the amendment thereto, approved February 23, 1893, and fixing the term of office of the Judges thereof.

Bill read third time.

The roll was called, and Senate Bill No. 17 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

Bill read third time.

The roll was called, and Senate Bill No. 155 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, and Withington—29.

NOES—Senators Gillette, Mahoney, and Trout—3.

Title read and approved.

Bill ordered transmitted to the Assembly. •

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 63—An Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

Also: Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estates and discharge of executors and administrators.

Also: Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

JONES, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

The bill having been read a third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 116 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—30.

NOES—None.

Title read and approved.

Senate Bill No. 35—An Act to authorize cities and towns owning public parks outside of their limits to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities or towns to, into, and through such parks, and to acquire lands for that purpose.

Bill passed on file, but to retain its place.

Senate Bill No. 36—An Act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

Bill passed on file, but to retain its place.

Senate Bill No. 37—An Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities and towns leading to public parks owned thereby.

Bill passed on file, but to retain its place.

Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

Bill read third time.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Senators Aram, Beard, Brauhart, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—29.

NOES—Senator Bulla—1.

Title read and approved.

Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor.

Bill read third time.

The roll was called, and Senate Bill No. 135 passed by the following vote:

AYES—Senators Aram, Beard, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Voorheis—29.

NOES—None.

Title read and approved.

Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down and returning, an exhibit of the products of the State of California at the Tennessee Centennial Exposition, to be held in Nashville in 1897, and to provide for a commission, secretary of commission, and for the pay of the secretary thereof.

Bill read third time.

The roll was called, and Senate Bill No. 138 passed by the following vote:

AYES—Senators Androus, Aram, Bulla, Dickinson, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, and Voorheis—25.

NOES—Senators Beard, Gillette, and Trout—3.

Title read and approved.

Senate Bill No. 266—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Bill read third time.

The roll was called, and Senate Bill No. 266 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, and Withington—32.

NOES—None.

Title read and approved.

Senate Bill No. 55—An Act to authorize State agricultural societies, under the control of the State, to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied.

Bill read third time.

The roll was called, and Senate Bill No. 55 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—31.

NOES—None.

Title read and approved.

Senate Bill No. 120—An Act to legalize certain acknowledgments.

Bill read third time.

The roll was called, and Senate Bill No. 120 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Voorheis—30.

NOES—None.

Title read and approved.

Senate Bill No. 122—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663 and 663½, respectively, providing for the setting aside of a judgment of a Superior Court and the rendition of a new judgment without a new trial.

Bill read third time.

The roll was called, and Senate Bill No. 122 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Dickinson, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Simpson, Smith, Stratton, Toner, Voorheis, and Withington—27.

NOES—None.

Title read and approved.

Senate Bill No. 123—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill passed on file, but to retain its place.

On motion of Senator Flint, Senate Bill No. 67 was taken up for consideration.

Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estates and discharge of executors and administrators.

Bill read third time.

The roll was called, and Senate Bill No. 67 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Finance has made an examination of Senate Bills from No. 1 to No. 401, inclusive, and finds that the following appropriations of money are therein involved:

Senate Bill No. 4—For additional improvements at Whittier	\$107,600 00,
Senate Bill No. 7—Superior Judge, Yuba and Sutter	3,600 00
Senate Bill No. 16—Reappropriating money for affiliated colleges	125,000 00
Senate Bill No. 20—To construct fire-boat	75,000 00
Senate Bill No. 21—Claim of La Voce del Popolo	5,628 00
Senate Bill No. 22—Claim of Le Franco-Californien	4,488 00
Senate Bill No. 31—State building, San Francisco	300,000 00
Senate Bill No. 38—Repairs to Los Angeles Normal School	5,000 00
Senate Bill No. 39—Omaha Exposition	70,000 00
Senate Bill No. 48—Improvements of Deaf, Dumb, and Blind Asylum	20,600 00
Senate Bill No. 49—Claim of W. H. Donnelly	10,000 00
Senate Bill No. 51—To reimburse Marin County	4,827 00
Senate Bill No. 52—Claim of Wm. Sullivan	2,500 00
Senate Bill No. 54—Claim of Lawrence Dunnigan	10,225 00
Senate Bill No. 56—For purchase of land at Folsom	18,000 00
Senate Bill No. 58—Monument to Mexican War Veterans	4,000 00
Senate Bill No. 59—Claim of Mrs. Sarah H. Wing (identical with Senate Bill No. 244)	5,000 00
Senate Bill No. 64—State Hospital for Special Diseases	100,000 00
Senate Bill No. 68—Claim of Modoc County	2,363 00
Senate Bill No. 82—Deficiency Southern California State Asylum for Insane, forty-eighth fiscal year	20,000 00
Senate Bill No. 83—Support of California State Asylum for Insane (this allowance belongs to the General Appropriation Bill)	204,400 00
Senate Bill No. 84—To furnish central building for Southern California State Asylum for Insane	12,000 00
Senate Bill No. 85—Community dining-room and dormitory for Southern California Asylum for Insane	13,500 00
Senate Bill No. 87—Enlarging the laundry, Southern California Asylum for Insane	2,600 00

Senate Bill No. 88—For erection of central building, Southern California State Asylum for Insane.....	\$100,000 00
Senate Bill No. 91—Claim of J. E. Atkinson.....	7,500 00
Senate Bill No. 100—To prohibit adulteration of wine.....	10,000 00
Senate Bill No. 89—Erection of dairy barn for Southern California State Asylum for Insane.....	5,000 00
Senate Bill No. 101—Land, dam, and machinery for Napa Asylum.....	155,000 00
Senate Bill No. 109—Debris Commissioner—reappropriation.....	250,000 00
Senate Bill No. 118—Water supply, electric plant, dam, and ice plant, Mendocino Asylum.....	20,000 00
Senate Bill No. 119—Erection of administration building, Mendocino Asylum.....	110,000 00
Senate Bill No. 121—Claim of George A. Sturtevant (identical with Senate Bill No. 207).....	314 00
Senate Bill No. 138—Tennessee Exposition.....	10,000 00
Senate Bill No. 147—Additional one cent tax for University of California.....	230,000 00
Senate Bill No. 153—Claim of L'Italia, newspaper.....	4,075 00
Senate Bill No. 154—State Civil Service Commission.....	25,000 00
Senate Bill No. 155—For promotion of uniformity of legislation.....	1,000 00
Senate Bill No. 157—Claim of A. L. Wood.....	300 00
Senate Bill No. 163—Guatemala Exposition.....	10,000 00
Senate Bill No. 167—Additional Judge, Santa Clara County.....	3,600 00
Senate Bill No. 170—Claim of Major Pico.....	8,111 00
Senate Bill No. 182—For inspection of dairies, creameries, and cheese factories.....	90,000 00
Senate Bill No. 184—For establishing Normal School at San Diego.....	75,000 00
Senate Bill No. 189—National Guard, expenses 1894-95.....	549 00
Senate Bill No. 200—Claim of Tribune Publishing Company, advertising.....	2,160 00
Senate Bill No. 201—Claim of James McClatchy & Co., advertising.....	2,160 00
Senate Bill No. 202—Claim of Herald Publishing Company, advertising.....	1,250 00
Senate Bill No. 203—National Guard, deficiency.....	54 00
Senate Bill No. 204—Claim of the Daily Report, advertising.....	2,006 00
Senate Bill No. 205—Claim of Merced Sun, advertising.....	380 00
Senate Bill No. 206—Claim of the Bulletin, advertising.....	2,478 00
Senate Bill No. 207—Claim of Geo. A. Sturtevant (same claim provided for in Senate Bill No. 121).....	314 00
Senate Bill No. 208—Claim of Dennis Jordan.....	63,563 00
Senate Bill No. 209—Claim of Britton & Rey, maps for Commissioner of Public Works.....	1,348 00
Senate Bill No. 210—Claim of Britton & Rey, maps for State Mining Bureau.....	1,078 00
Senate Bill No. 211—Claim of Charles Phipps.....	175 00
Senate Bill No. 212—Claim of Clement Bennett.....	1,223 00
Senate Bill No. 213—Claims of C. E. Cunningham and W. C. Rodgers.....	870 00
Senate Bill No. 214—Claim of Luke Kavanagh.....	1,051 00
Senate Bill No. 215—Expenses incurred by Code Commission.....	1,221 00
Senate Bill No. 216—Claim of the State Board of Health.....	435 00
Senate Bill No. 217—Claim of Edwin F. Ingles.....	300 00
Senate Bill No. 218—Claim of A. J. Bogard.....	300 00
Senate Bill No. 219—Claim of W. N. Hendricks.....	300 00
Senate Bill No. 220—Claim of E. H. Daggett.....	300 00
Senate Bill No. 221—Claim of R. J. Broughton.....	15 00
Senate Bill No. 222—Funeral expenses of the late W. D. Perkins, State Librarian.....	1,102 00
Senate Bill No. 223—Claim of R. L. Peeler, expenses incurred in attending the funeral of the late Gen. Dimond.....	37 00
Senate Bill No. 224—William Macdonald, expenses attending funeral of the late Governor Jones, of Nevada.....	234 00
Senate Bill No. 225—Claim of Cassasa's First Regiment Band for music at funerals of the late Generals Dimond and McComb.....	220 00
Senate Bill No. 226—Claim of George E. Lawrence, funeral of the late Lieutenant-Governor Millard.....	46 00
Senate Bill No. 227—Expenses incurred in funeral of the late Lieutenant-Governor Millard.....	1,118 00
Senate Bill No. 228—Rock-crushing deficiency.....	344 00
Senate Bill No. 229—Deficiency Southern California Hospital, forty-seventh fiscal year.....	8,748 00
Senate Bill No. 230—Labor Bureau deficiency.....	1,649 00
Senate Bill No. 231—Claim of J. H. Barry, advertising.....	250 00
Senate Bill No. 232—Postage deficiency, Clerk of Supreme Court.....	8 00
Senate Bill No. 233—Claim of Clarence S. Merrill.....	1,131 00
Senate Bill No. 234—Claim of W. C. Conroy.....	98 00
Senate Bill No. 235—Claim of Geo. A. Parker for arrest of Ed Ward.....	300 00
Senate Bill No. 236—Claim of Geo. A. Parker for arrest of Charles Bentley.....	100 00
Senate Bill No. 237—Forestry stations deficiency, forty-sixth fiscal year.....	899 00
Senate Bill No. 238—National Guard, expenses 1894.....	728 00
Senate Bill No. 239—Claim of Examiner, advertising.....	4,786 00

Senate Bill No. 240—Claim of W. J. Deater.....	\$399 00
Senate Bill No. 241—Deficiency State Capitol repairs.....	5,000 00
Senate Bill No. 242—Deficiency of Board of Railroad Commissioners, forty-seventh fiscal year.....	55 00
Senate Bill No. 243—Deficiency for care of State Burial Grounds.....	8 00
Senate Bill No. 244—Claim of Sarah H. Wing (identical with Senate Bill No. 59).....	5,000 00
Senate Bill No. 245—Claim of Frank H. Lombard.....	627 00
Senate Bill No. 247—Claim of John Mullan.....	45,600 00
Senate Bill No. 258—To import insects from Australia.....	5,000 00
Senate Bill No. 259—For State Board of Horticulture.....	2,500 00
Senate Bill No. 260—Portrait of ex-Governor McDougall.....	750 00
Senate Bill No. 261—Portrait of ex-Governor Markham.....	750 00
Senate Bill No. 266—Pay of Presidential Electors.....	500 00
Senate Bill No. 271—Claim of Tribune Printing Company of San Luis Obispo.....	295 00
Senate Bill No. 287—For relief of Charles F. Wells.....	10,000 00
Senate Bill No. 288—For equipments Industrial Home Adult Blind.....	30,000 00
Senate Bill No. 291—Gymnasium, etc., State Normal School, San José.....	13,000 00
Senate Bill No. 292—Deficiency at Evergreen, forty-eighth fiscal year.....	3,000 00
Senate Bill No. 294—San Diego harbor improvement.....	50,000 00
Senate Bill No. 298—Auditing board, Commissioner of Public Works.....	300,000 00
Senate Bill No. 302—Claim of John F. Kidder, Debris Commissioner, traveling expenses.....	724 00
Senate Bill No. 303—Claim of lawyers for assisting the Attorney-General to date in the U. S. Circuit Court.....	25,000 00
Senate Bill No. 307—Claim of Thomas Hatch.....	1,050 00
Senate Bill No. 309—For grading Dwight Way, Berkeley.....	487 00
Senate Bill No. 311—Baker monument, Golden Gate Park.....	15,000 00
Senate Bill No. 315—Claim of W. H. Murray.....	1,300 00
Senate Bill No. 316—Claim of Clement Bennett (in addition to claim for \$1,233, in Senate Bill No. 212).....	893 00
Senate Bill No. 321—To establish State Normal School in San Luis Obispo County.....	100,000 00
Senate Bill No. 326—Claim of California Demokrat, advertising.....	4,750 00
Senate Bill No. 327—System of State Capitol ventilation.....	49,600 00
Senate Bill No. 329—Railroad Commissioners, for expenses of experts and litigation.....	30,000 00
Senate Bill No. 340—For purchase of additional land for Preston School of Industry.....	5,000 00
Senate Bill No. 341—For reservoir for settling and storing water, Preston School of Industry.....	15,000 00
Senate Bill No. 342—Additional buildings, Preston School of Industry.....	81,500 00
Senate Bill No. 343—Improvements at Preston School of Industry.....	10,100 00
Senate Bill No. 347—Deficiency, Senate contingent expenses, thirty-first session.....	825 00
Senate Bill No. 357—Additional buildings for Home for Feeble-Minded.....	50,000 00
Senate Bill No. 358—Storage reservoir, Home for Feeble-Minded.....	15,000 00
Senate Bill No. 359—Fencing and equipping the farm at Home for Feeble-Minded.....	5,500 00
Senate Bill No. 361—For completion of main building, Home for Feeble-Minded.....	35,000 00
Senate Bill No. 362—Additional clerk for Secretary of State (estimated).....	3,600 00
Senate Bill No. 371—Improving Capitol building and grounds.....	6,000 00
Senate Bill No. 386—For payment from Bank Commissioners Fund to Paris Kilburn, J. B. Fuller, and H. W. Magee.....	951 00
Senate Bill No. 387—Cement floor for Chico Normal School.....	12,000 00
Senate Bill No. 388—Fence at Chico Normal School.....	6,000 00
Senate Bill No. 389—Additional building, Chico Normal School.....	4,000 00
Senate Bill No. 394—Claim of D. E. O'Keefe, advertising.....	96 00
Senate Bill No. 397—Residence for Medical Superintendent, Stockton Asylum.....	10,000 00
Senate Bill No. 398—For boring wells, Stockton Asylum.....	10,000 00
Senate Bill No. 399—Reservoir and pipe-line, Marshall monument.....	1,500 00
Senate Bill No. 400—Claim of F. M. Millikan.....	41 00
Senate Bill No. 401—Lake Tahoe Wagon Road Commissioner.....	25,000 00
Total.....	\$3,242,809 00

The Finance Committee finds that other appropriations of public money are involved in the following bills, but the amounts are indefinite:

Senate Bill No. 90—Claims of district agricultural associations.

Senate Bill No. 92—State detective force.

Senate Bill No. 181—Inspection of dried and canned fruits, raisins, and nuts.

Senate Bill No. 312—Payment of interest on uncanceled school land warrants.

The Controller's estimates of expenditures for the forty-ninth and fiftieth fiscal years amount to.....	\$10,939,960 00
Add pending appropriations.....	3,242,809 00
	<hr/>
	\$14,182,769 00
To this must be added the existing University tax of 1 cent	120,000 00
	<hr/>
Total	\$14,302,769 00

A levy of 50 cents on \$100 of the present assessed valuation will produce \$12,665,930. The valuation for 1896 was \$1,266,593,065. There is no assurance that the valuation of 1897 or 1898 will exceed this figure.

VOORHEIS, Chairman.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 370—An Act to amend Section 3495 of the Political Code by adding a provision relative to adverse occupations.

Also: Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural lands, and are subject to overflow to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ARAM, Chairman.

Senate Bills Nos. 370 and 93 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following report and resolution:

SENATE CHAMBER, SACRAMENTO, January 25, 1897.

The special sub-committee of the Committees on Public Buildings other than Prison Buildings, Hospitals, and Finance, which were appointed to visit the Mendocino Insane Asylum at Ukiah, the Home for Feeble-Minded at Glen Ellen, the Veterans' Home at Yountville, and the State Insane Asylum at Napa, beg leave to report that they have performed their duty, and that the expenses incurred were \$192 for railroad tickets and hotel bills, etc.; therefore,

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of E. S. Denison, Chairman of said sub-committee, for the sum of \$192; said warrant to be so drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

DENISON, Chairman Sub-Committee.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.
 NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to pay the following bill, as per voucher, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant therefor, in favor of the Sergeant-at-Arms of the Senate, and the Treasurer is directed to pay the same:

SACRAMENTO, CAL., January 25, 1897.

Sold to Senate Chamber, by John Breuner :

1 looking-glass	\$3 50
1 desk	50 00
1 office chair	9 00
2 ant. desks	60 00
3 ant. desks	75 00
2 ant. desks	70 00
2 ant. desks	70 00
3 office chairs	22 50
6 office chairs	39 00
1 revolving bookcase	27 50
1 ant. desk	25 00
2 chairs	24 00
1 desk	35 00
1 office table (to order)	20 00
1 ant. desk	25 00
1 office chair	12 00
1 typewriter desk	30 00
	<hr/>
	\$597 50

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

We respectfully further recommend that all furniture and property purchased out of the Contingent Fund for the use and benefit of the Senate be properly invoiced and kept in order, that the same may be available for each succeeding session of the Senate, and the Sergeant-at-Arms be required to take the said invoice, and at the close of the session to file the same with the Secretary of State.

HOLLOWAY, Chairman.

On motion of Senator Smith, the foregoing resolution was referred to a committee of three, to be appointed by the President, whose duty it shall be to investigate and ascertain what became of the furniture purchased by the Senate at its last session, and how much need there is for that purchased for which bill is now presented.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed Senators Smith, Gillette, and Dickinson as the special committee to investigate and report.

RESOLUTION.

By Senator Franck:

Resolved, That C. De Zaldo be and is hereby appointed stenographer and typewriter to the President and Secretary of the Senate, to serve in the capacity of stenographer of the Senate at the desk, at the same per diem as the other clerks at the desk.

The Controller is hereby directed to draw his warrants in favor of said C. De Zaldo, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Joint Resolution No. 9, and presented the same to the Governor on this day, at eleven o'clock and thirty minutes A. M.

Also: Senate Joint Resolution No. 2, and presented the same to the Governor on this day, at eleven o'clock and thirty minutes A. M.

JONES, Chairman.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute as prepared by committee, marked "Substitute No. 1," do pass, substitute marked "No. 2" having been withdrawn.

SHIPPEE, Chairman.

On motion of Senator Dickinson, Substitute No. 1 was ordered printed.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 57—An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock, and the disposition of the revenues derived therefrom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bill No. 57 ordered on file for second reading.

RESOLUTION—(CASE OF URGENCY).

Senator Wolfe offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 261 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Dwyer, Flint, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Voorheis, Withington, and Wolfe—29.

NOES—Senators Franck, Morehouse, Pedlar, and Trout—4.

FIRST, SECOND, AND THIRD READING OF BILL.

Assembly Bill No. 261—An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition to be held in the City of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner, and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.

Bill read first, second, and third times.

The roll was called, and Assembly Bill No. 261 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Dickinson, Doty, Dwyer, Flint, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Voorheis, Withington, and Wolfe—25.

NOES—Senators Beard, Franck, Morehouse, and Trout—4.

Title read and approved.

SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senator Wolfe was granted unanimous consent to withdraw Senate Bill No. 163—An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition, to be held in the City of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.

Bill withdrawn, and ordered stricken from the file.

Senate Bill No. 126—An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial.

During second reading of bill, Senator Withington moved to amend by transposing and renumbering Sections 5 and 6.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 90—An Act for the relief of district agricultural associations.

Bill re-referred to the Committee on Finance, but to retain its place.

Senate Bill No. 50—An Act defining the different grades of cheese, and for branding the same, manufactured in the State of California.

During the second reading of bill, the following committee amendment was submitted:

Amend by inserting the following enacting clause: The People of the State of California, represented in Senate and Assembly, do enact as follows.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 24—An Act fixing the minimum rate of compensation for labor on public work.

Bill read second time, considered engrossed, and ordered on file for third reading.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Boyce, Brauhart, Bulla, Dickinson, Doty, Flint, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

MEMORIALS.

The following memorials were presented by Senator Simpson, and ordered printed in the Journal:

FROM THE FRUIT-GROWERS OF CALIFORNIA.

SACRAMENTO, CAL., January 27, 1897.

To the Legislature of California:

GENTLEMEN: I beg to transmit herewith for your consideration the following memorial adopted by the fruit-growers in convention assembled, at Sacramento, November 8, 1895:

Governor Budd, in addressing the convention, said: "I hope in your discussions at this time you will consider what, if any, amendments ought to be made to the laws of this State for the advancement of the fruit industry. Believing that the fruit industry is the coming industry, I will cooperate with you and with the fruit-growers of the State. I ask your body, being better judges of the situation—better judges of the condition of the fruit-raisers of the State—to take up and discuss these subjects, in order that I may have the result of your combined wisdom in recommending a proper law to the Legislature for its enactment."

The subject was discussed and referred to a committee, who reported as follows:

Your committee on legislation respectfully submit the following report:

The laws in regard to the State Board of Horticulture, and the duties and powers of its officers, seem to us to need no change. The law covering the work of the quarantine officer has stood the tests of the courts, and should, therefore, not be endangered by amendments, unless these be clearly of the highest value.

The funds of the State Board of Horticulture are derived from legislation. We are of opinion that legislation to secure sufficient funds to carry on the work of the board efficiently and economically should be granted. The work of this board is of great advantage to the State in general, and especially to its valuable fruit interests, and to interests such as transportation, largely dependent upon it. The opportunities its conventions offer to bring all those in the fruit business together, to act in harmony on great questions affecting their business, and to improve the methods of fruit production and fruit marketing, fully justify, in our opinion, reasonable support from the taxpayers. All sound movements in a free country come from, and are supported by, the voluntary acts of the people. We believe that the State Board of Horticulture and the fruit-growers' conventions are the outgrowth of popular needs, and that the permanent success of the valuable work done, and to be done by the board, must grow out of local interest. Local gatherings and local societies are indispensable for a reliable interest in the general meetings. We therefore recommend the State Board of Horticulture to encourage the continuance and activity of existing local societies and the formation of new ones, so that every fruit section in this State shall have a growers' society in its midst. Reports, bulletins, and beneficial insects can be best distributed by local means of this kind.

ABROTT KINNEY,
A. D. PRYAL,
B. F. WALTON,
ALFRED HOLMAN,
Committee.

The report was received and adopted.
Respectfully submitted.

ELLWOOD COOPER, President.

Attest: B. M. LELONG, Secretary.
[SEAL.]

FROM THE FRUIT-GROWERS OF CALIFORNIA.

To the Legislature of California:

GENTLEMEN: I beg to transmit herewith the following memorial from the fruit-growers of California, in convention assembled, December 3, 1896, as follows:

Your memorialists, the fruit-growers of California, in convention assembled in the State Capitol, respectfully represent that, after having duly considered the needs of the horticultural interests of the State, they resolved to petition the Legislature:

First—For \$5,000 per annum, for the uses of the State Board of Horticulture in prosecuting its work.

Second—For \$5,000 per annum, to be used by the State Board of Horticulture in prosecuting the work of introducing parasitical insects from foreign countries.

Third—There are many investigations that should be made at once, and, if possible, remedies discovered, or the fruit-growers of the State will sustain great loss.

Respectfully submitted.

ELLWOOD COOPER, President.

Attest: B. M. LELONG, Secretary.

LEAVE OF ABSENCE.

On motion of Senator Voorheis, a leave of absence until twelve o'clock M. on Monday, February 1, 1897, was granted, for the purpose of committee duty, to Senators Flint, Denison, Gleaves, Aram, Shine, Wolfe, La Rue, Luchsinger, Prisk, Gillette, Toner, Withington, and Voorheis.

On motion of Senator Morehouse, a leave of absence until twelve o'clock M. on Friday, January 29, 1897, was granted, for the purpose of committee duty, to Senators Androus, Franck, and Morehouse.

SECOND READING OF SENATE BILLS.

Senate Bill No. 27—An Act to prevent collusion between employers of labor and employment agents.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 70—An Act to provide for the employment of citizens of the United States upon public works within this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 62—An Act amending Section 3245 of the Political Code, relating to labor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries.

During the second reading of the bill, the following committee amendment was submitted and read:

Amend by inserting in line 5 of Section 1, after the word "bakery," the words "in shops, hotels, restaurants, or other like places."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

During the second reading of the bill, the following committee amendments were submitted and read:

Amend by striking out of second line in Section 2 the words "the full," and inserting in lieu thereof the words "one half."

Amendment adopted.

Also: Amend by striking out all of Section 4, and inserting in lieu thereof the following:

Sec. 4. It shall be the duty of the Commissioner of the Department of Labor to enforce this Act.

Amendment adopted.

Also: Amend by adding a new section, as follows, to be known as Section 5:
Sec. 5. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor—have had the same and two substitutes therefor under consideration, and report the same back, recommending that Substitute No. 1 do pass, and that the original bill and Substitute No. 2 be withdrawn.

VOORHEIS, Chairman.

Substitute No. 2 withdrawn, and Substitute No. 1 ordered to print.

Senate Bill No. 74—An Act to protect citizens in their civil rights.

During the second reading of the bill, the following committee amendments were submitted and read:

Amend by striking out after the word "offense," on line 13 of Section 2, all words up to and including the word "offense," on line 17, Section 2.

Amendment adopted.

Also: By striking out the words "one hundred," on line 19, Section 2, and inserting in lieu thereof the word "fifty."

Amendment adopted.

Also: Amend by striking out after the word "satisfied," on line 22, Section 2, all words up to and including the word "respectively," line 27, Section 2.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor.

During the second reading of the bill, the following amendments were submitted and read:

By Senator La Rue:

Amend by striking out of title after "1887," line 3, the word "and" and adding after the word "therefor," in line 4, the following: "and appropriating money to enforce the same."

Amendment adopted.

By committee:

Insert after the word "sell," in line 4, Section 1, printed bill, the words "any beverage purporting to be made from the juice of grapes or other fruits, whether fermented or unfermented, or condensed."

Amendment adopted.

Also: Strike from line 10, Section 1, printed bill, the word "substance," and insert in lieu thereof the word "beverage."

Amendment adopted.

Also: Insert after the word "like" in line 27, Section 1, of printed bill, the words "excepting, however, when such wines and beverages shall contain adulterations or artificial coloring matters, antiseptic chemicals, or other ingredients known to be deleterious to the health of consumers."

Amendment adopted.

Also: Strike from line 4, Section 9, printed bill, the words "State Analyst," and insert in lieu thereof the words "Professor of Agriculture of the University of California or his duly accredited assistant."

Amendment adopted.

Also: Amend by striking out after the word "offense," line 8, Section 9, the remainder of line 8 and all of lines 9, 10, and 11, and insert the following in lieu thereof: "All moneys collected by virtue of prosecutions had against persons violating any of the provisions of this, or any preceding sections, shall go, one half to the informer and one half to the said county."

Amendment adopted.

Also: Amend by striking out after the words "sum of," line 3, Section 12, the remainder of line 3, and all of lines 4 and 5, and line 6, up to and including the word "year," and inserting in lieu thereof the following: "Five thousand dollars, of which not more than twenty-five hundred dollars shall be expended during the forty-ninth fiscal year, and not more than twenty-five hundred dollars shall be expended during the fiftieth fiscal year."

Amendment adopted.

By Senator La Rue:

Amend by inserting in line 10, Section 9, after the word "offense," the following: "It shall be the duty of the District Attorney, upon application of any person engaged in the enforcement of this Act, to attend to the prosecution, in the name of the State, of any suit brought for the violation of any of the provisions of this Act within his district."

Amendment adopted.

Also: Amend by striking out of Section 11, line 4, the words "Agricultural Department" and inserting the following: "Board of Regents, to be expended through the College of Agriculture, for the purposes aforesaid."

Amendment adopted.

Also: Amend by striking out the new Section 11, and inserting the following in lieu thereof:

SEC. 11. It shall be the duty of the Board of Regents of the State University to, or cause to be analyzed, through the College of Agriculture of said University, such samples as may be suspected of adulteration, and a certificate of analysis signed by the Professor of Agriculture shall constitute prima facie evidence, and shall be acted on by the District Attorney of the county in which the samples were obtained, and said Board of Regents shall require said College of Agriculture to enforce the provisions of this Act.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees as indicated:

By Senator Wolfe: Senate Bill No. 534—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 535—An Act to add a new section to the Penal Code, to be designated as Section 354¾, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal, the duly filed trademark or name of another, printed, stamped,

engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 536—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 537—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 94, entitled "An Act to amend Section 3491 of the Political Code, relating to the election of trustees of reclamation districts"—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 298—Entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ARAM, Chairman.

Senate Bills Nos. 94 and 298 ordered on file for second reading.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 252—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bill No. 252 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following account and resolution:

SACRAMENTO, January 27, 1897.

To services rendered as Assistant Bill Clerk, to R. A. May in place of J. D. Wiseman, from January 20th to January 24th, inclusive—5 days at \$5 per day—amounting to twenty-five (\$25) dollars.

L. F. BLACKBURN, Sergeant-at-Arms of the Senate.

Attest: A. B. CONRAD, Bookkeeper to Sergeant-at-Arms of the Senate.

Resolved, That the Controller be directed to draw his warrant for the sum of \$25 in favor of R. A. May, for services as Assistant Bill Clerk, from January 20th to January 24th, inclusive, the same to be paid out of the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—26.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 211—An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 201—An Act making an appropriation to pay the claim of James McClatchy & Company, publishers of the Bee, for advertising the constitutional amendments.

Also: Senate Bill No. 204—An Act making an appropriation to pay the claims of the Daily Report for advertising.

Also: Senate Bill No. 231—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Also: Senate Bill No. 239—An Act making an appropriation to pay the claim of the Examiner for advertising the constitutional amendments.

Also: Senate Bill No. 202—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 211, 201, 204, 231, 239, and 202 ordered on file for second reading.

RESIGNATION OF A COMMITTEEMAN.

Through Senator Seawell, the resignation of Senator Chapman as a member of the Committee on Elections was presented and accepted.

ADJOURNMENT.

At three o'clock and seven minutes P. M., on motion of Senator Voorheis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 28, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Boyce, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Gleaves, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, January 26, 1897, was approved.

LEAVE OF ABSENCE.

Senator Hall was granted leave of absence for the day, on motion of Senator Brauhart.

RESOLUTION—(OUT OF ORDER).

Senator Smith offered the following resolution, and moved its adoption:

Resolved, That Senator Doty be and is hereby appointed a member of the Committee on Elections of the Senate, vice Senator Chapman, resigned; also, that Senator Dickinson be appointed a member of the above-named committee, to serve during the absence of Senator Voorheis.

Resolution adopted.

NOTICE OF CONTEST.

The President announced that he had received papers in the matter of an election contest entitled "McCarthy vs. Hall."

Papers referred to the Committee on Elections.

LEAVE OF ABSENCE.

On motion of Senator Stratton, the Committee on Elections was granted a leave of absence for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 94—An Act to amend Section 3491 of the Political Code, relating to the election of trustees of reclamation districts—recommend that it do not pass.

Also: Senate Bill No. 298—An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that Senate Bill No. 298 be re-referred to the Committee on Finance.

DOTY, for Aram, Chairman.

Senate Bill No. 94 ordered on file for second reading.

Senate Bill No. 298 re-referred to the Committee on Finance.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 39—An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Trans-Mississippi Exposition, to be held in Omaha in 1898, and to provide for a commission and its

expenses, a secretary of such commission, and the compensation of the secretary thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Finance.

SHIPPEE, Chairman.

Senate Bill No. 39 re-referred to the Committee on Finance.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 198—An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 137—An Act to amend the Political Code of California by adding a new section, to be known as Section 2644, relating to Road Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 444—An Act to amend an Act entitled "An Act providing for the erection and operation of rock-crushing plants at the State prisons, for the preparation of highway material for the benefit of the people of the State," and for other purposes, approved March 28, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BEARD, Chairman.

Senate Bills Nos. 198, 137, and 444 ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 108—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns in road districts where the population is at least five hundred, and the manner of ascertaining said population.

Also: Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Also: Senate Bill No. 443—An Act to amend Section 758 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GILLETTE, Chairman.

Senate Bills Nos. 108, 10, 441, and 443 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 255—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

Also: Senate Bill No. 452—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Also: Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

Also: Senate Bill No. 79—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

Senate Bills Nos. 255, 452, 453, 79, and 424 ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 139—An Act to amend Section 1521 of the Political Code, relating to the State Board of Education.

Also: Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BOYCE, Chairman.

Senate Bills Nos. 139 and 407 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 27th day of January, passed the following:

Assembly Joint Resolution No. 17—Relative to the struggle of the Cuban people for free and independent government.

Also: Assembly Bill No. 253—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Also: Assembly Bill No. 451 (Substitute for Assembly Bills Nos. 73 and 102)—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

Also: That the Assembly concurred in Senate amendment to Assembly Bill No. 263.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Bill No. 253 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 451 read first time, and referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: I am directed to ask your honorable body to return to the Assembly Assembly Joint Resolution No. 17, sent to your honorable body this morning.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Joint Resolution No. 17 ordered returned to the Assembly, in compliance with request.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senate Committee on Judiciary: Senate Bill No. 538—An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes.

Bill ordered placed on file for second reading.

Also: Senate Bill No. 539—An Act relinquishing to the United States of America the title of this State to certain lands.

Bill ordered placed on file for second reading.

By Senator Jones: Senate Bill No. 540—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to the Committee on Judiciary.

By Senator Brauhart: Senate Bill No. 541—An Act to amend an Act entitled "An Act concerning the waterfront of the City and County of San Francisco," approved March 15, 1878.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Linder: Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin to connect with a road called "Tioga Road," at or near the Tioga Mine.

Referred to the Committee on Roads and Highways.

By Senator Beard (by request): Senate Bill No. 543—An Act to amend Sections 334 and 408 of the Political Code, and to repeal Section 410 thereof, relating to the duties of the Secretary of State, and to the distributing of reports and documents.

Referred to the Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 544—An Act to amend an Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, approved March 28, 1895.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Gleaves: Senate Bill No. 545—An Act to provide a safe place of exhibit and study of the State mineral cabinet, museum, and specimens, and other articles and property of the State, to erect a building therefor, and make an appropriation therefor.

Referred to the Committee on Finance.

By Senator Doty: Senate Bill No. 546—An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessor.

Referred to the Committee on Judiciary.

GENERAL FILE—THIRD READING OF BILLS.

Consideration of bills on third-reading file was, on motion of Senator Bert, passed for the day.

SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 90—An Act for the relief of district agricultural associations.

Bill passed on file, but to retain its place.

Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Bill re-referred to the Committee on Finance.

Senate Bill No. 289—An Act to change the name of the Industrial Home of Mechanical Trades for the Adult Blind of California to "Home for Adult Blind."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11,

1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend by striking out all of line 62, page 3, subdivision 9, of printed bill, and inserting instead thereof the words, "seamen and sea-going fishermen's wages and earnings, not exceeding one hundred dollars."

Amendment adopted.

By Senator Braunhart:

Amend by inserting after the word "profession," line 38, Section 4, printed bill, the following: "Also, the typewriters, or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also, one bicycle, when the same is used by its owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

During the second reading of the bill, the following committee amendment was submitted.

Amend by striking out lines 3 to 18, both inclusive, on pages 1 and 2, Section 1, of printed bill, and inserting instead thereof the following:

SEC. 172. The husband has the management and control of the community property, and the absolute power of disposition, other than testamentary, of the personal property of the community; and in all cases of the conveyance, or incumbrance, of real property of the community, the husband and wife shall join in said conveyance or incumbrance. In all cases where married men have heretofore conveyed real property, the wives or the heirs or assigns of said wives, of said married men, shall be barred after one year from the date of the taking effect of this Act from commencing or maintaining any action to show that said real property was conveyed as a gift, or without a valuable consideration.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

During the second reading of the bill, the following committee amendment was submitted:

Amend by striking out, on page 1, in Section 1, lines 2 and 3, of printed bill, the words "having an endowment of one million dollars or more," and inserting instead thereof the following: "under the provisions of an Act entitled 'An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art.'"

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 128—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates or homestead or community property on owner's death, in certain cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 129—An Act to amend Section 164 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 167—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Bill passed on file, but to retain its place.

Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and city and counties, and providing for the duties and execution of the work of such specialist.

During the second reading of the bill, the following committee amendments were submitted:

Amend title by striking out the word "city," and inserting in lieu thereof the word "cities," in line 4, printed bill.

Amendment adopted.

Also: Amend by striking out the word "and," in line 25 of printed bill, and inserting in lieu thereof the word "in."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 23, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 98—An Act to amend Sections 1369 and 1379 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the competency and appointment of administrators of estates of deceased persons—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

Assembly Bill No. 98 ordered on special file for Assembly bills.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 23, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 16—An Act to appropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

Also: Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate.

JONES, Chairman.

Senate Bills Nos. 16 and 33 ordered on file for third reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 354—An Act to amend Sections 1895, 1912, 1915, 1917, 1919, 1923, 1938, 1951, 1955, 1958, 1962, 1965, 1968, 1982, 1984, 1990, 2003, 2006, 2007, 2220, 2023, 2028, 2031, 2094, and 2101 of the Political Code, State of California, relating to the National Guard; and to repeal Sections 1913, 1945, 2099, 2105, 2109, and 2110 of the Political Code, State of California, relating to the National Guard, and to add one new section to the Political Code, State of California, relating to the National Guard, to be known and numbered as Section 1946.

Also: Senate Bill No. 355—An Act to repeal an Act entitled "An Act to define the duties of inspectors of rifle practice of the National Guard of California," approved March 30, 1878.

Also: Senate Bill No. 356—An Act to amend Section 729 of the Penal Code, State of California, relating to the National Guard.

Also: Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Have had the same under consideration, and respectfully report the same back, and recommend that Senate Bill No. 422 do pass as amended, and be substituted for Senate Bills Nos. 354, 355, and 356, which we recommend be withdrawn.

PEDLAR, Chairman.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 104—An Act prohibiting ring-fights, prize-fights, glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 106—An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches, and prize or ring fights.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools and employment of teachers of physical culture.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Sixth and Seventh streets, in said city.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 195—An Act to regulate medical practice, to prevent blindness in infants.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

During the second reading of the bill, the following committee amendments were submitted:

Amend as follows: On page 3, Section 9, line 14, strike out the following words: "be necessary for such corporation to."

Also: In same section, in lines 18 and 19, strike out the following words: "net surplus as above," and insert in lieu thereof the word "balance."

Also: On page 4, Section 14, strike out all of said section and insert in lieu thereof the following:

Sec. 14. Such corporations shall pay annually, in advance, license fees as follows: To the Treasurer of State, who shall pay the same into the Bank Commissioners' Fund, the sum of twenty-five dollars. To the Treasurer of the city, or city and county, in which any such corporation is located, the sum of one hundred and twenty-five dollars.

Amendments adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 105—An Act relating to pawnbrokers, companies and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act.

During the second reading of the bill, the following committee amendments were submitted:

In line 11, Section 6, after the word "sale," insert the following: "And it is hereby made the duty of such pawnbroker, company, or corporation, on the first day of publication, to file with said Chief of Police, Marshal, or other principal police officer, a written notice of such sale, designating therein the paper in which said notice is to be published."

Amendment adopted.

Also: In line 14, Section 6, strike out the word "which," and insert in lieu thereof the words "The published," which words shall be the beginning of a sentence.

Amendment adopted.

Also: In line 15, Section 7, after the word "of," insert "a."

In line 4, Section 8, after the word "now," insert the words "or hereafter."

In line 3, Section 9, strike out the word "as."

Amendments adopted.

Also: In line 5, Section 9, strike out the word "and," and in lieu thereof insert the word "or."

Amendment adopted.

Also: In line 2, Section 1, strike out the word "immediately," and insert in lieu thereof the words "within sixty days."

In line 6, Section 1, strike out the word "five," and insert in lieu thereof the word "two."

Amendments adopted.

Also: In line 17, Section 2, strike out the word "memoranda," and insert in lieu thereof the word "memorandum."

In line 18, Section 2, strike out the word "memoranda," and insert the word "memorandum."

Amendments adopted.

Also: In line 21, Section 2, strike out the word "memoranda," and in lieu thereof insert "memorandum."

At the end of line 4, Section 4, insert the word "city."

Amendments adopted.

Also: In line 7, Section 6, strike out the words "at least two," and insert in lieu thereof the letter "a."

In line 10, Section 6, strike out the word "two," and insert in lieu thereof the word "one."

Amendments adopted.

Also: In line 11, Section 6, strike out from and including the word "or" to and including the word "thereon," in line 14, Section 6.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 338—An Act to amend Sections 2292, 2293, 2294 of Chapter III, Title V, of the Political Code, relating to the State Library.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 161—An Act to amend Section 798 of the Political Code of the State of California, fixing the fees of notaries public.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by inserting after the word "cents," at the end of line 13, page 1, Section 1, of printed bill, the following: "and for each copy thereof, when required, five cents per folio."

Amendment adopted.

Also: Amend by striking out all of lines 16 and 17, page 2, Section 1, of the printed bill, and insert instead thereof the following: "for each signature, fifty cents."

Amendment adopted.

Also: Amend by striking out the words "twenty-five," on line 18, page 2, Section 1, of the printed bill, and insert instead thereof the word "fifty."

The President declared the vote on the adoption of the amendment a tie.

By virtue of the authority vested in the President of the Senate by the Constitution, the President thereupon exercised his prerogative and voted "no."

Amendment lost.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend by inserting, after the word "except," on line 10, page 1, Section 1, of the printed bill, the following: "there being no surviving husband or wife or lineal descendants of the testator."

Amendment adopted.

By Senator Brauhart:

Amend by striking out of Section 1, line 11, the words: "and without sectarian bias or control."

Amendment lost.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 131—An Act entitled "An Act to amend Section 3785 of the Political Code of the State of California, relating to the revenue and taxes of the State of California, and providing for the taking of tax deeds by the State, and fixing a limitation as to the time within which deeds may be taken by purchasers other than the State of California."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 132—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 345—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 344—An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

Bill passed on file, but to retain its place.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Boyce, Brauhart, Bulla, Doty, Feeney, Henderson, Holloway, Jones, Langford, Linder, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Joint Resolution No. 4—Relative to the establishment of a republican form of government in the Hawaiian Islands—have had the same under consideration, and respectfully report the same back, and unanimously recommend that it be adopted.

WOLFE, Chairman.

Assembly Joint Resolution No. 4 ordered on twelve-day file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DICKINSON, Chairman.

Senate Bill No. 413 ordered on file for second reading.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 117—An Act governing the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ARAM, Chairman.

Senate Bill No. 117 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds, etc."

Also: Senate Bill No. 32—An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make or give to the Assessor a statement of his property.

Also: Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889.

Also: Senate Bill No. 18—An Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings in cities, and cities and counties, of the first class.

JONES, Chairman.

Senate Bills Nos. 1, 32, 13, and 18 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees as indicated:

By Senator Wolfe: Senate Bill No. 547—An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration," approved April 1, 1876.

Referred to the Committee on Corporations.

By Senator Mahoney: Senate Bill No. 548—An Act to amend an Act

entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

Referred to the Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 550—An Act to amend Section 171 of the Penal Code, relating to unauthorized communication with convicts in the State Prison.

Referred to the Committee on State Prisons and Prison Buildings.

By Senator Simpson: Senate Bill No. 551—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Referred to the Committee on Public Buildings other than Prison Buildings.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 175—An Act to authorize any city or city and county of this State to take its census.

During the second reading of the bill, the following amendment was submitted:

By Senator Simpson:

Amend by adding the words "Sec. 4," before the words "This Act," on next to last line of bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 110—An Act to provide for the management and operation of railroads above certain elevations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend by adding two new sections, to be numbered 9 and 10, as follows:

Sec. 9. The Insurance Commissioner shall refuse to issue a certificate of authority to any company, corporation, association, partnership, or individual making application to do business in this State without first making such deposit as required by this Act, and the Insurance Commissioner shall revoke the certificate of authority of any company, corporation, association, partnership, or individual now admitted to do business in this State who fails to comply with the requirements of this Act.

Sec. 10. Any violation of any of the provisions of this Act shall subject the party so violating to a penalty of five hundred dollars for each violation, which shall be sued for and recovered in the manner provided for enforcing penalties of insurance companies organized under the laws of this State.

Amendment adopted.

Also: Amend by renumbering Section 9 to be Section 11.

Amendment adopted.

Also: Strike out the word "companies," in Section 7, in line 5 thereof, and insert in lieu thereof the words "corporations, associations, partnerships, or individuals."

Amendment adopted.

By Senator Bert:

Amend by striking out of Section 8, line 2, the word "shall," and inserting in lieu thereof the word "may."

Also: Strike out of Section 8, line 3, the word "shall," and insert in lieu thereof the word "may."

Amendments adopted.

Bill read second time, and ordered to print and engrossment.

On motion of Senator Simpson, the following Senate bills were passed on file, but to retain their places on file:

Senate Bill No. 72—An Act to provide for the remission of costs in Justices' Courts in actions to recover for personal services.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Senate Bill No. 97—An Act to amend Section 47 of the Code of Civil Procedure, relating to the place of holding the sessions of the Supreme Court.

Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Senate Bill No. 173—An Act to amend Section 1469 of the Penal Code, relating to new trials on appeal from Justices' Courts.

Senate Bill No. 174—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1430½, relating to trials without a jury in Justices' Courts.

Senate Bill No. 191—An Act concerning champerty and maintenance, and to punish those guilty thereof.

Senate Bill No. 192—An Act to amend Sections 1444 and 1445 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 34—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 152—An Act to amend Section 3555 of Article VI of the Political Code of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 179—An Act to amend Section 581 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 257—An Act to amend Section 8 of an Act entitled

"An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 269—An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 270—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 8—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

During the second reading of bill, the following committee amendment was submitted:

Amend by striking out quotation marks in lines 14 and 19, pages 1 and 2, Section 1, of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 130—An Act to amend an Act entitled "An Act to abolish attorney's fees and other charges in foreclosure suits," approved March 27, 1874.

During the second reading of the bill, the following committee substitute for bill was submitted:

Substitute for Senate Bill No. 130—An Act to amend the Code of Civil Procedure by adding a new section, to be known as Section 730, relating to attorney fees in suits for the foreclosure of mortgages.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be known as section seven hundred and thirty, to read as follows:

Section 730. In all cases of foreclosure of mortgage, an attorney fee shall be fixed and allowed to the plaintiff, by the court in which the proceedings of foreclosure are had, whether there be a stipulation in the mortgage or the note secured thereby providing for such a fee or not, and such fee shall be included in the judgment of foreclosure as costs.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 133—An Act entitled "An Act in relation to liens upon

real property for expenses incurred by any public board or commission, and prescribing the manner of making said lien effective."

During the second reading of bill, the following committee substitute for bill was submitted:

Substitute for Senate Bill No. 133—An Act to amend an Act entitled "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect and promote the horticultural interests of the State," approved March 14, 1881; approved March 19, 1889; approved March 31, 1891.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. It shall be the duty of the County Board of Horticultural Commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit-packing house, storeroom, salesroom, or any other place, or articles in their jurisdiction, and if found infested with scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs or larvae, they shall notify the owner or owners, or person or persons in charge, or in possession of the said places, or orchards, or nurseries, or trees, or plants, vegetables, vines, or fruit, or articles, as aforesaid, that the same are infested with said insects, or other pests, or any of them, or their eggs or larvae, and they shall require such person or persons to eradicate or destroy the said insects, or other pests, or their eggs or larvae, within a certain time, to be specified. Said notices may be served upon the person or persons, or either of them, owning, or having charge, or having possession of such infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within their jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the County Board of Horticultural Commissioners, after diligent search, within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the County Board of Horticultural Commissioners to cause said nuisance to be at once abated, by eradicating or destroying said insects or other pests, or their eggs or larvae. The expense thereof shall be a county charge, and the Board of Supervisors shall allow and pay the same out of the General Fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this Act, and may be recovered by an action against such property and premises. A notice of such lien shall be filed and recorded in the office of the County Recorder of the county in which the said property and premises are situated, within thirty days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the District Attorney of the county, in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and, if not, into the court for his use, when ascertained. The County Board of Horticultural Commissioners is hereby vested with power to cause any and all such nuisances to be at once abated in a summary manner.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees, an expense payable as an expense of administration.

During the second reading of bill, the following committee amendment was submitted:

Amend by adding after the word "bond," in line 12, Section 1, page 1, of the printed bill, the following: "and in all actions and proceedings the party entitled to recover disbursements therein may include and recover, as a necessary disbursement, such reasonable sum paid a company authorized under the laws of this State so to do, for becoming his surety on any bond, undertaking, or other obligation which he has been

required to give therein, as may be allowed by the court, or a judge thereof, not exceeding, however, one per centum per annum of the amount of such bond, undertaking, or obligation."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

During the second reading of bill, the following committee amendment was submitted:

Amend by adding after the word "other," on line 15, page 1, Section 1, of the printed bill, the words "nor to a grant of money or real property, made by one to the other."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 141—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

During the second reading of bill, the following committee amendments were submitted:

Amend by striking out, in lines 8 and 9, Section 1, page 1, of the printed bill, the following words: "whether city, county, city and county, State, or Federal."

Amendment adopted.

Also: Amend by striking out, in lines 43 and 44 of subdivision 5, Section 2, pages 3 and 4, of the printed bill, the following words: "whether city, county, city and county, State, or Federal."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 142—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

During the second reading of bill, the following committee amendments were submitted:

Amend by striking out, in line 9, Section 1, page 1, of the printed bill, the following words: "whether city, county, city and county, State, or Federal."

Amendment adopted.

Also: Amend by striking out, in lines 15 and 16, in Section 1, page 1, of the printed bill, the following words: "whether city, county, city and county, State, or Federal."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Senator Dwyer, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 29, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Dwyer, Holloway, Jones, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, and Trout.

LEAVE OF ABSENCE.

Senator Hall was granted leave of absence for the day, on motion of Senator Braunhart.

Senator Boyce was granted leave of absence for the day, on account of sickness, on motion of Senator Bulla.

Senator Franck was granted leave of absence for the day, on motion of Senator Morehouse.

CALL OF THE SENATE.

Pending the announcement of the number of Senators present and answering to their names, Senator Simpson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Dwyer, Holloway, Jones, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, and Trout.

The Secretary announced that there were absent, without leave, Senators Henderson and Langford.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring before the bar of the Senate the above named absentees.

At ten o'clock and five minutes A. M., the doors of the Senate were closed.

At ten o'clock and seven minutes A. M., Senator Langford was brought before the bar of the Senate and, on motion of Senator Simpson, excused for not having been present at roll call.

At ten o'clock and nine minutes A. M., Senator Henderson was brought before the bar of the Senate and, on motion of Senator Morehouse, excused for not having been present at roll call.

Senator Seawell moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

The Sergeant-at-Arms was thereupon ordered to open the doors.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 27, 1897, was approved.

RESOLUTION—(OUT OF ORDER).

Senator Smith offered the following resolution:

Resolved, That the Committee on County Government and Township Organization be and the same is hereby directed to report in favor of creating the office of County Expert, such office to be held *ex officio* by the County Auditor; and that the office of Auditor shall not be attached to or consolidated with any other office.

On motion of Senator Smith the consideration of the resolution was made a special order for Tuesday next, immediately after the approval of Journal.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 265—An Act entitled an Act to amend Section 3099 of the Political Code, relating to the appointment of officers and employees by the San Francisco Board of Health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ARAM, Chairman.

Senate Bill No. 265 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 301—An Act requiring street railway companies in any city, city and county, or town of this State to issue package tickets, and providing for the redemption thereof.

Also: Senate Bill No. 392—An Act to amend Section 499 of the Civil Code, relating to street railways operated under different managements.

Also: Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Have had the same under consideration, and respectfully report the same back, and recommend that Senate Bills Nos. 392 and 480 do pass.

Also: Senate Bill No. 301 is reported back to the Senate, the same having been withdrawn by the author, by permission of the Senate.

DICKINSON, Chairman.

Senate Bills Nos. 392 and 480 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 25th day of January, passed the following:

Assembly Joint Resolution No. 19—Relative to the creation of a Department of Mines and Mining.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Joint Resolution No. 19 referred to the Committee on Mines, Drainage, and Mining Debris.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 28th day of January, passed the following:

Assembly Bill No. 26—An Act to amend Section 15 of an Act entitled an Act

amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 30, 1868, approved March 12, 1885.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 26 read first time, and referred to the Committee on City, County and Town Governments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 28th day of January, passed the following:

Assembly Bill No. 453 (Substitute for Assembly Bill No. 28)—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, approved April 23, 1880.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 453 read first time, and referred to the Committee on Mines, Drainage, and Mining Debris.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Doty: Senate Bill No. 552—An Act to provide for the organization and management of county fire insurance companies.

Referred to the Committee on Corporations.

By Senator Stratton: Senate Bill No. 553—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks and the sale of goods bearing counterfeited trademarks and other infringement of the rights of trademarks.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 554—An Act to prohibit the employment of convicts confined in the State prisons of this State in the manufacture of textile fabrics other than jute grain bags, and to regulate the price and conditions of sale at which jute grain bags shall be sold by the State.

Referred to the Committee on State Prisons and Prison Buildings.

By Senator Chapman: Senate Bill No. 555—An Act to amend Section 1533 of the Political Code of the State of California, relative to public schools.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 556—An Act to provide for the survey and construction of a wagon road from Tallac to McKinneys, along the shore of Lake Tahoe.

Referred to the Committee on Roads and Highways.

By Senator Shippee: Senate Bill No. 557—An Act to prohibit the exercise by any person, other than a duly licensed physician or surgeon, of mesmeric or hypnotic influence upon any person or persons, and fixing a penalty for any violation of the provisions of this Act.

Referred to the Committee on Hospitals.

By Senator Linder: Senate Bill No. 558—An Act entitled "An Act to

provide for a State Food Commissioner, assistants, salary, expenses, and duties."

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Braunhart: Senate Bill No. 559—An Act to amend Section 772 of an Act entitled "An Act to establish a Penal Code," approved March 11, 1872.

Referred to the Committee on Judiciary.

By Senator Langford: Senate Bill No. 560—An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act concerning crimes and punishments,'" passed April 16, 1850, approved March 20, 1872.

Referred to the Committee on Mines, Drainage, and Mining Debris.

Also: Senate Bill No. 561—An Act to amend Section 605 of the Penal Code of the State of California, relating to the removing, defacing, or altering landmarks.

Referred to the Committee on Mines, Drainage, and Mining Debris.

By Senator Bert: Senate Bill No. 562—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Referred to the Committee on Banks and Banking.

RESOLUTION.

Senator Pedlar offered the following resolution:

Resolved, That Mrs. William Sampson be and she is hereby appointed Janitress in the ladies' waiting-room at a per diem of \$3 50, the same to be paid out of the fund for the contingent expenses of the Senate.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

GENERAL FILE—THIRD READING OF BILLS.

On motion of Senator Bert, the consideration of all bills on third-reading file was passed for the day.

SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 90—An Act for the relief of district agricultural associations.

Bill passed on file, but to retain its place.

Senate Bill No. 167—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

Bill passed on file, but to retain its place.

Senate Bill No. 72—An Act to provide for the remission of costs in Justices' Courts in actions to recover for personal services.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman upon the death of the husband intestate."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 97—An Act to amend Section 47 of the Code of Civil Procedure, relating to the place of holding the sessions of the Supreme Court.

Senator Dickinson moved that Senate Bill No. 97 be refused a second reading.

Motion carried, and Senate Bill No. 97 ordered stricken from the file.

Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Bill passed on file, but to retain its place.

Senate Bill No. 173—An Act to amend Section 1469 of the Penal Code, relating to new trials on appeal from Justices' Courts.

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 173.

Consent granted.

Senate Bill No. 173 withdrawn and ordered stricken from the file.

Senate Bill No. 174—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1430½, relating to trials without a jury in Justices' Courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 191—An Act concerning champerty and maintenance, and to punish those guilty thereof.

During the second reading of bill, the following amendment was submitted by Senator Braunhart:

Amend by striking out all of Section 10.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 192—An Act to amend Sections 1444 and 1445 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 150—An Act to amend Section 1323 of the Code of Civil Procedure of the State of California, relating to the probate of foreign wills.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of lines 14, 15, 16, 17, and 18, beginning with the word "and" in line 14, after the word "letters," and ending with the word "upon" in line 18, and inserting instead thereof the following: "Letters of administration with the will annexed must be issued as designated and provided for the grant of letters in cases of intestacy."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 145—An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 310—An Act for the protection of the Antwerp messenger, or homing pigeon.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Joint Resolution No. 2, relative to protection of fruit industry.

Also: Senate Joint Resolution No. 5, relative to dredging channel from San Pablo Bay to Mare Island.

Also: Senate Joint Resolution No. 10, relating to foreign immigration and proper restriction thereof.

Also: Senate Joint Resolution No. 11, requesting Congress to impose a tariff on foreign fresh table-grapes competing with the American product.

Have presented the same to the Governor, on this day, at ten o'clock and thirty minutes A. M.

JONES, Chairman.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 178—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as Section 1234.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 275—An Act to amend Section 388, Civil Code of the State of California, relative to the sale of a franchise to collect tolls.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 276—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 334—An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 30—An Act to reduce the rates of fares on street railroads in cities, cities and counties, and towns, and to require the issuance of commutation tickets, for not less than sixty trips, at reduced rates.

During the second reading of bill, the following committee substitute for bill was submitted and read:

SUBSTITUTE FOR SENATE BILL No. 30.

An Act to reduce the rates of fares on street railroads, within the incorporated limits of municipal corporations of the first class, and to require the issuance of tickets, not exceeding sixty, at reduced rates, to any one person.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No street railroad within the corporate limits of municipal corporations of the first class within the State shall, during the hours from six o'clock to eight o'clock of the forenoon, and from five o'clock to seven o'clock of the afternoon, charge or collect a higher rate of fare than two and one half cents for each passenger per trip of any distance in one direction, either going or coming, along any part of the whole length of the road and its connection; *provided*, that the privileges of transfer to all branch lines belonging to the same system, or other railroads, existing on the first day of January, 1897, must in nowise be abridged or impaired. All such street railroad companies shall issue tickets, each good for a full trip, during such hours of the day as above specified, and sell the same to any person offering two and one half cents apiece therefor, in lots not exceeding sixty to any one person at one time. Any person riding on the cars of any such railroad companies, during the hours above specified, shall be entitled to receive in change for any coin exceeding such fare, tendered for his fare, as many of such tickets as he may require, at a rate of two and one half cents for each ticket, not exceeding sixty.

SEC. 2. Every violation of the provisions of section one of this Act shall subject the owner or owners of the street railroad violating the same to a forfeiture to the person so unlawfully charged or paying more than is herein allowed to be charged, the sum of two hundred and fifty dollars for each and every unlawful charge so made or collected, to be recovered on suit in any court of competent jurisdiction; such causes of action shall be assignable, and the action may be maintained by the assignee in his own name, and several causes of action arising out of unlawful charges or collection from different persons may be vested in the assignee, and united in the same action.

Senator Brauhart moved to amend the substitute, as follows:

Amend by adding the following to Section 1:

Provided, That no street railroad company, subject to the provisions of this Act, shall be compelled to accept any coin or other lawful money less in value than five cents, which said last mentioned sum shall entitle any passenger riding on the cars of such street railroad, tendering the same in payment of fare, to two full trips on such railroad, as hereinbefore in this section described.

Amendment to substitute adopted.

Substitute, as amended, adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 260—An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend Section 1 by striking out from lines 4 and 5 of printed bill the words "seven hundred and fifty," and inserting instead the words "five hundred."

Amendment adopted.

Also: Amend Section 2 by striking from line 1 of printed bill the words "seven hundred and fifty," and inserting instead the words "five hundred."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking from lines 4 and 5 of printed bill the words "seven hundred and fifty," and inserting instead the words "five hundred."

Amendment adopted.

Also: Amend by striking from Section 2, line 1, of printed bill, the words "seven hundred and fifty," and inserting instead the words "five hundred."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of Section 2, line 16, after the word "every," the word "two," and inserting in lieu thereof the word "four."

Amendment adopted.

Also: Amend by inserting, in Section 4, line 5, after the word "file," the following: "not less than twenty days prior to the day set for any primary election."

Amendment adopted.

Also: Amend by inserting, in Section 4, line 7, after the word "voters," the following: "at such last election."

Amendment adopted.

Also: Amend by striking out of Section 4, line 13, after the word "support," the word "the."

Amendment adopted.

Also: Amend by inserting in Section 4, line 18, after the word "petition," the words "within said time."

Amendment adopted.

Also: Amend by striking out of Section 5, line 4, the words "last assessment roll," and inserting in lieu thereof the words "precinct registers."

Amendment adopted.

Also: Amend by striking out of Section 5, line 29, after the word "inspection," the remainder of said section.

Amendment adopted.

Also: Amend by inserting in Section 6, line 62, after the word "precinct," the following: "and if only a portion of an election precinct is so included in a primary election precinct, then he shall place in the box, in this section provided for, such a proportion of the names selected, as hereinbefore provided, for such election precinct, as the portion of the election precinct included within the limits of the primary election precinct bears to the whole election precinct."

Amendment adopted.

Also: Amend by inserting after the word "serve," in Section 7, line 16, the following: "The County Clerk, or other officer acting as the Secretary of the Board of Election Commissioners, shall, at the time he mails the notification of the appointment, also inclose a form of oath to the person appointed as election officer, and also a copy of Section 8 of this Act, with the direction that the person receiving said notification of appointment may take the oath before any officer or notary public authorized to administer oaths, and immediately return, by registered mail, such acknowledgment to the County Clerk or Secretary of the Board of Election Commissioners."

Amendment adopted.

Also: Amend by inserting the following in Section 8, line 16, after the word "forth": "The person so appointed must thereupon go before any person authorized to administer oaths, and take the oath of office, and mail or deliver the same to the County Clerk or Secretary of the Board of Election Commissioners."

Amendment adopted.

Also: Amend by inserting, in Section 15, after the word "shall," on line 32, the following: "at least ten days prior to the date of any primary election."

Amendment adopted.

Also: Amend by striking out of Section 15, line 45, after the word "vote," the following: "and in what box he is entitled to cast his ballot."

Amendment adopted.

Also: Amend by inserting in Section 15, line 50, after the word "the," and before the word "box," the word "ballot."

Amendment adopted.

Also: Amend by inserting in Section 15, line 51, after the word "voter," the following: "*provided*, that no ballot shall be deposited in any box unless it is printed on paper of the color or combination of colors designated for the particular party in whose box it is to be placed."

Amendment adopted.

Also: Amend by striking out of Section 16, line 12, after the word "from," the word "nine," and inserting in lieu thereof the word "seven."

Amend by inserting in Section 21, line 17, before the word "and," the following: "or acknowledged before any officer authorized to administer oaths or to take an acknowledgment."

Amendment adopted.

Also: Amend by striking out all of Section 24, and inserting in lieu thereof the following: "When the counting of ballots is completed, the election officers shall forthwith forward their tally lists and ballots to the County Clerk or the Secretary of the Board of Election Commissioners, and such board shall meet thereafter, and within three days from the date of any primary election, canvass the returns and declare the result of said primary election, and issue certificates of election to the delegates elected to the various party conventions. The ballots and tally lists shall be by the precinct officers placed in a sealed envelope, and on the outside of the envelope or envelopes so sealed, the election officers of each precinct shall write and sign a certificate to the effect that it contains all the ballots cast in such precinct, and the tally lists kept by the clerks, which envelope and envelopes, together with the contents, must be delivered to the custody of the County Clerk or the Board of Election Commissioners."

Amendment adopted.

Also: Amend by inserting in Section 25, line 30, after the word "law," the following: "or upon any ground mentioned herein."

Amendment adopted.

Also: Amend by inserting in Section 27, after the word "thereto," the following: "used at the last general election held before such primary election."

Amendment adopted.

Also: Amend by inserting, after line 13, Section 27, page 19, the following section:

SEC. 27½. Whenever an elector, since the last general election, has removed from one precinct to another within the county, or city and county, or to another county in the State, such elector so removing shall have the right to apply to and receive from the County Clerk or Registrar of Voters a transfer of his registration. No certificate of transfer within the county, or city and county, shall be given the elector, but the County Clerk or Registrar of Voters shall cause the name to be canceled off the precinct register from which the elector has removed, and shall thereupon cause such name to be written in upon the precinct register to which he has so removed, and which precinct register is to be furnished by the County Clerk or Registrar to the precinct or other election boards.

Amendment adopted.

Also: Amend by inserting in Section 34, line 2, after the word "county," the following: "and city and county."

Amendment adopted.

Also: Amend by inserting in Section 34, line 6, after the word "county," the words: "or city and county."

Amendment adopted.

Also: Amend by striking out of Section 44, line 7, the following: "as to registration of voters and matters incident thereto."

Amendment adopted.

Also: Amend by striking out of Section 45, line 2, the word "ten," and inserting in lieu thereof the word "twenty."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

MOTIONS.

Senator Dickinson moved that when the Senate adjourn this day it be to meet on Monday next, at twelve o'clock and thirty minutes P. M.

Motion carried.

On motion of Senator Langford, the two bills following were re-referred to the Committee on Education and Public Morals, but to retain their place on file:

Senate Bill No. 139—An Act to amend Section 1521 of the Political Code, relating to the State Board of Education.

Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

Senator Dwyer asked unanimous consent to withdraw Senate Bill No. 61—An Act providing for the election of delegates to party conventions, regulating the conduct of such conventions, and prescribing punishments for violation of duties imposed herein.

Consent granted.

Senate Bill No. 61 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 496—An Act relating to fire departments of municipalities of the first

class, and fixing the salaries of the officers thereof, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bill No. 496 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

PEDLAR, Chairman.

Senate Bill No. 486 ordered on file for second reading.

SECOND READING OF BILLS—(RESUMED).

Senator Mahoney asked unanimous consent to withdraw Senate Bill No. 325—An Act providing for a general primary election within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and providing for the use of party vignettes and the protection thereof, and repealing all other Acts in conflict with this Act.

Consent granted.

Senate Bill No. 325 withdrawn, and ordered stricken from the file.

Senate Bill No. 171—An Act to establish a uniform system of primary elections in the State of California, and to repeal Sections 1357 to 1365, both inclusive, of the Political Code of this State, constituting Chapter XIV of Title II, Part III, of said Code, and to constitute the several sections of this Act as Chapter XIV of said Code, under the head "Primary Election Law."

Bill passed on file, but to retain its place.

Senate Bill No. 158—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by inserting a new section therein, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 186—An Act authorizing and empowering the Board of State Harbor Commissioners to grant, exchange, or transfer certain property east of the westerly line of East Street, as delineated and located upon the ground, between Clay Street and Market Street, in the City and County of San Francisco, to or with the owner or owners of certain property on the triangular corner common to Market, Sacramento, and East streets.

During the second reading of bill, the following substitute for bill was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 166.

An Act authorizing and empowering the Board of State Harbor Commissioners to grant, exchange, or transfer certain property east of the western line of East Street, as delineated and located upon the ground, between Clay Street and Market Street, in the City and County of San Francisco, to or with the owner or owners of certain property on the triangular corner common to Market, Sacramento, and East streets.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever, in the opinion of the Board of State Harbor Commissioners, it is advisable or necessary for the purpose of acquiring terminal facilities for the landing of passengers to and from the passenger and ferry depot at the foot of Market Street, in the City and County of San Francisco, to institute condemnation proceedings for the condemnation of all or any part of that certain lot, piece, or parcel of land in the City and County of San Francisco bounded and described as follows, to wit: Commencing at a point on the westerly line of East Street, distant thereon sixty (60) feet and four (4) inches northerly from the northwesterly corner of the intersection of the northerly line of Market Street with said westerly line of East Street; thence southerly along said westerly line of East Street sixty (60) feet and four (4) inches to the intersection of said line of East Street with the northerly line of Market Street; thence westerly along the northerly line of Market Street eighteen (18) feet and six (6) inches to the intersection of the northerly line of Market Street with the north line of Sacramento Street; thence west along the north line of Sacramento Street seventy-nine (79) feet and eleven (11) inches to a point on said north line of Sacramento Street; thence northeasterly to the point of beginning—then the said Board of State Harbor Commissioners are hereby authorized in connection with such condemnation proceedings to grant and convey to and exchange with the owner or owners of any part of said lot of land above described, the whole or any part of the following described premises, to wit: that triangular piece of land in the City and County of San Francisco described as follows, to wit: Commencing at the intersection of the northerly line of Clay Street with the inner line of the thoroughfare as established by an Act approved March fifteen, eighteen hundred and seventy-eight (statutes eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, page two hundred and sixty-three), and extending southerly to a point on the westerly line of East Street, distant sixty (60) feet and four (4) inches northerly from the northwesterly corner of the intersection of the northerly line of Market Street with said westerly line of East Street; thence extending northwesterly along the westerly line of East Street, as heretofore existing, and as actually located and delineated upon the ground, to the intersection of the said line with the northerly line of Clay Street; thence easterly along said line of Clay Street to the point of beginning.

SEC. 2. Before executing any such conveyance, grant, transfer, or exchange, the Board of State Harbor Commissioners shall, in open meeting, enter upon their minutes a sworn statement of all the facts and circumstances, together with their estimate of valuation and reasons inducing them to execute any such conveyance, grant, transfer, or exchange, a certified copy of all of which shall be transmitted to the Secretary of State, and by him kept in the archives of his office. But failure so to do shall not invalidate the conveyance mentioned in section five hereof.

SEC. 3. Before executing the same, and as a condition precedent thereto, the person or persons desiring to accept the same, and to exchange such lands, shall execute and deliver to the Board of State Harbor Commissioners a grant to the People of the State of California of all of their right, title, and interest, both accrued and to accrue, in and to all of such part as to which the board may seek to acquire title, in and to that portion of the premises first in this Act described, and being included in the triangular lot of land common to Market, Sacramento, and East streets.

SEC. 4. No deed of conveyance, transfer, grant, or exchange by the Board of State Harbor Commissioners shall be valid or effectual for any purpose unless it is first approved in writing by the Mayor of the City and County of San Francisco and by the Governor of the State of California, who shall unite with said board in the execution and acknowledgment of the same before a notary public, in the manner required by law in conveyance of real property, so as to entitle it to be recorded. The approval of the said Mayor and the said Governor, and all the matters hereinbefore alleged, shall further be recited in the deed of conveyance so executed by the Board of State Harbor Commissioners and the Mayor and Governor, as aforesaid.

SEC. 5. Such deed of conveyance, transfer, grant, or exchange shall be executed in the name of the People of the State of California by the three members comprising the Board of State Harbor Commissioners, countersigned by the Secretary of the Board, and united in by the said Mayor of the City and County of San Francisco and the said Governor of the State of California, and shall be effectual to convey the premises in fee to grantee, or grantees, in any deed named, and shall vest in them an absolute title to the interest of the people of the State in and to the lands thereby conveyed.

SEC. 6. No such conveyance, transfer, grant, or exchange shall be valid unless executed and delivered within four years from and after the passage of this Act.

SEC. 7. This Act shall take effect from and after its passage.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 66—An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the port of San Francisco.

Bill passed on file, but to retain its place.

Senate Bill No. 189—An Act to amend Sections 566 and 641 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 349—An Act to authorize boards of health of municipalities and counties of this State to issue subpoenas for witnesses and to compel attendance of witnesses before such boards.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 369—An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 188—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 190—An Act to amend Section 1727 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to Public Administrators.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 194—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 246—An Act to amend paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out all of page 1 of printed bill, after enacting clause, and inserting instead thereof the following:

SECTION 1. Section two hundred of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

SECTION 200. A person is exempt from liability to act as a juror, if he be (1) a judicial, civil, or military officer of the United States, or of this State; (2) a person holding a county, city and county, or township office; (3) an attorney at law; (4) a minister of the gospel, or a priest of any denomination, following his profession; (5) a teacher in a university, college, academy or school; (6) a practicing physician, or druggist actually engaged in the business of dispensing medicines; (7) an officer, keeper, or attendant of an almshouse, hospital, asylum, or other charitable institution; (8) engaged in the performance of duty as officer or attendant of the State Prison, or of a county jail; (9) employed on

board of a vessel navigating the waters of this State; (10) an express agent, mail carrier, superintendent, employé, or operator of a telegraph line doing a general telegraph business in the State, or keeper of a public ferry or toll gate; (11) an active member of the National Guard of California, or an active member of a fire department of any city and county, city, town, or village in this State, or an exempt member of a duly organized fire company; (12) a superintendent, engineer, or conductor on a railroad; or (13) a person drawn as a juror in any court of record in this State, upon a regular panel, who has served as such within a year; but this exemption shall not extend to a person who is summoned as a juror for the trial of a particular case.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 57—An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock, and the disposition of the revenues derived therefrom.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 94—An Act to amend Section 3491 of the Political Code, relating to the election of trustees of reclamation districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 298—An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act.

Bill passed on file, but to retain its place.

Senate Bill No. 252—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 198—An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California.

During the second reading of bill, the following amendment was submitted by the committee:

Amend Section 4 by striking out the words "eighteen hundred and ninety-eight," and inserting the words "nineteen hundred."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 137—An Act to amend the Political Code of California by adding a new section, to be known as Section 2644, relating to Road Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 444—An Act to amend an Act entitled "An Act providing for the erection and operation of rock-crushing plants at the State prisons, for the preparation of highway material for the benefit of the people of the State," and for other purposes, approved March 28, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of line 9, Section 1, of printed bill, the second "and," and inserting in lieu thereof the word "or."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns in road districts where the population is at least five hundred, and the manner of ascertaining said population.

Bill passed on file, but to retain its place.

Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 443—An Act to amend Section 758 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 255—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by adding after the word "court," at the end of line 10, page 1, Section 1, of the printed bill, the following: "provided, that, when the plaintiff in such action has made a written tender of payment as full compensation for the land or interest sought to be condemned, then, in the event that the defendant is awarded as compensation a less sum than that so tendered, such defendant shall not be allowed attorney's fees incurred after refusal of said tender."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 452—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by inserting the word "like," before the word "horseless," in line 31, subdivision 4, Section 1, page 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the words "subject to existing laws," after the word "provide," in line 4, Section 1, page 1, of the printed bill.

Amendment adopted.

Also: Amend by inserting the word "like" before the word "horseless," in line 8, Section 1, page 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 79—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out all of lines 9, 10, 11, 12, 13, 14, and 15, Section 2, page 2, of printed bill, except the word "shall," at beginning of line 9, and insert instead thereof the following: "receive for filing said notice, the sum of fifty cents."

Amendment adopted.

Also: Amend by adding to Section 3, page 2, of the printed bill, another subdivision, to be numbered 4, to read as follows: "The sum of one dollar shall be paid the Justice of the Peace, by the party or parties making such claim, for each claim made and entered by him, as aforesaid, which shall be in full compensation for all services rendered by him in connection with each claim so made."

Amendment adopted.

Also: Amend by striking out all of Section 8 after the figure 8 line 1, of Section 8, page 3, of the printed bill, and insert instead thereof the following: "Nothing in this Act shall affect the laws or regulations in force, or which may be in force, regarding estrays, the poundkeeper, or other pound officer, within the limits of any city or town where laws regarding estrays are in force."

Amendment adopted.

Also: Amend by striking out all of Section 10, page 3, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions.

Bill passed on file, but to retain its place.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Senator Bert, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 1, 1897. }

The Senate met pursuant to adjournment, at twelve o'clock and thirty minutes P. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Braunhart, Doty, Dwyer, Franck, Hall, Henderson, Jones, Langford, Linder, Mahoney, Morehouse, Pedlar, Seawell, Simpson, Smith, and Trout.

LEAVE OF ABSENCE.

Senator Stratton was granted a leave of absence for the day, on motion of Senator Androus.

Senator Shippee was granted a leave of absence for the day, on motion of Senator Braunhart.

CALL OF THE SENATE.

Pending the announcement of the number of Senators present and answering to their names, Senator Simpson moved a call of the Senate.
So ordered.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Holloway, Jones, Langford, Linder, Mahoney, Morehouse, Pedlar, Seawell, Simpson, Smith, and Trout.

Quorum present.

Senator Seawell moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 28, 1897, was approved.

RECESS.

At the hour of twelve o'clock and forty minutes P. M., on motion of Senator Simpson, the Senate took a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Boyce, Bulla, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Holloway, Jones, Linder, Pedlar, Seawell, Simpson, and Trout.

LEAVE OF ABSENCE.

Senator Dickinson was granted a leave of absence for the day, on motion of Senator Bulla.

Senator Smith was granted a leave of absence for one hour, on motion of Senator Holloway.

ADJOURNMENT.

It appearing by roll call that no quorum was present, at two o'clock and five minutes P. M., on motion of Senator Simpson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, February 2, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, January 29, 1897, was approved.

LEAVE OF ABSENCE.

Senator Beard was granted a leave of absence for the day, on motion of Senator Franck.

SPECIAL ORDER.

The consideration of the following resolution having been previously made a special order for this hour, the same was taken up and read:

Resolved, That the Committee on County Government and Township Organization be and the same is hereby directed to report in favor of creating the office of County

Expert, such office to be held, *ex officio*, by the County Auditor; and that the office of Auditor shall not be attached to or consolidated with any other office.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Senators Holloway, Gleaves, and Bulla.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senator Seawell—1.

NOES—Senators Androus, Aram, Bert, Bulla, Denison, Dickinson, Dwyer, Feeney, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—30.

PETITIONS.

The following petitions were presented and read:

By Senator Stratton:

SAN FRANCISCO, January 27, 1897.

To the Legislature of the State of California:

We, the undersigned, trustees under the will of James Lick of the California School of Mechanical Arts, would respectfully represent to your honorable body that our school is in all its material aspects a public institution. The property is in the hands of trustees; but all its benefits accrue to the people of the State. The trustees receive no compensation, and the school is open to both sexes, from every part of the State, without discrimination of any kind, and without tuition fees.

At the same time, we have paid in taxes, for the year 1896, as follows:

On real estate mortgages	\$5,661 39
On premises occupied by school	690 40
	<hr/>
	\$6,351 79

Our income for the same period was \$26,185 26, the taxes being about 24 per cent of the income. You will readily see that this taxation is a serious clog upon the usefulness of the school. Our net income is all spent for the public good; our school relieves the public schools of just so many pupils; the nature of our institution and the instruction given in it is without political or religious bias, prejudice, or limitation. We teach our pupils the useful and practical arts of life, by which they can earn their own support, so that the benefits of the school accrue principally to people of very limited means.

It seems to us a short-sighted policy to cramp the power of so useful a school, and we pray your honorable body for any relief within your power.

All of which is respectfully submitted.

HORACE DAVIS,
A. S. HALLIDIE,
JOHN O. EARL,
JAMES SPIERS,
HORATIO STEBBINS,

Trustees of the California School of Mechanical Arts.

Petition referred to the Committee on Education and Public Morals.

By Senator Doty: A resolution of the Board of Supervisors of Sacramento County, petitioning that Senate Bill No. 182, which provides for the inspection of dairies and dairy cattle, be not passed.

By Senator Flint:

To the Senate of the Legislature of California:

We, the undersigned residents of Pacific Grove, in the County of Monterey, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

(Signed:) MRS. E. S. BEACH,
President of Ladies' Aid Society; and one hundred and thirteen others.

COMMUNICATION.

The following communication was received and presented to the Senate by the Secretary:

2001 HARTE STREET, BERKELEY, CAL., January 31, 1897.

HONORABLE FRANK J. BRANDON, *Secretary State Senate, Sacramento, Cal.*

DEAR SIR: I herewith acknowledge the receipt of an engrossed copy of the resolutions eulogizing my husband, the late Senator Noble Martin, which were adopted by the Senate on January the 6th.

Please convey to the honorable body of Senators, on behalf of myself and daughters, our grateful appreciation of this tribute to the memory of one whose motto was "Duty," and whose life was a noble example of devotion to it, whether in private or in public matters. We shall ever treasure the parchment as a visible token of that bond of brotherhood which unites noble characters and makes them friends, and in our loneliness and sorrow find a ray of comfort in the knowledge that Senator Martin's colleagues recognized and appreciated his worth.

Very truly yours,

MRS. NOBLE MARTIN.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 214—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 217—An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan for attempted highway robbery.

Also: Senate Bill No. 218—An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel Maguire for attempted highway robbery.

Also: Senate Bill No. 219—An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery.

Also: Senate Bill No. 220—An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall for attempted highway robbery.

Also: Senate Bill No. 221—An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners.

Also: Senate Bill No. 224—An Act making an appropriation to pay the claim of William Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.

Also: Senate Bill No. 225—An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.

Also: Senate Bill No. 235—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker, for arrest and conviction of Ed Ward.

Also: Senate Bill No. 236—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 213—An Act making an appropriation to pay the claims of C. E. Cunningham and W. C. Rodgers, for services as elevator attendants in the State Capitol building.

Also: Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

Also: Senate Bill No. 199—An Act making an appropriation to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bills Nos. 214, 217, 218, 219, 220, 221, 224, 225, 235, 236, 213, 205, and 199 re-referred to the Committee on Finance.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 253—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Also: Senate Bill No. 412—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Also: Senate Bill No. 285—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 791, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.

Also: Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 442—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1792½ thereof, relating to the sale of the interest of a ward in homestead property.

Also: Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 412—An Act to amend Section 337 of the Code of Civil Procedure.

Also: Assembly Bill No. 414—An Act to amend Section 339 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

SIMPSON, Chairman.

Senate Bills Nos. 253, 412, 285, 490, 442, and 314, and Assembly Bills Nos. 412 and 414 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 8—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Also: Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and cities and counties, and providing for the duties and execution of the work of such specialist.

Also: Senate Bill No. 50—An Act defining the different grades of cheese, and for branding the same manufactured in the State of California.

Also: Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries.

Also: Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

Also: Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Also: Senate Bill No. 111—An Act to amend Section 1093 of the Penal Code, relating to order of trial.

Also: Senate Bill No. 126—An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial.

Also: Senate Bill No. 161—An Act to amend Section 798 of the Political Code of the State of California, fixing the fees of notaries public.

Also: Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Also: Senate Bill No. 74—An Act to protect all citizens in their civil and legal rights.

Also: Senate Bill No. 105—An Act relating to pawnbrokers, companies and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act.

Also: Senate Bill No. 130—An Act to amend the Code of Civil Procedure by adding a new section, to be known as Section 730, relating to attorneys' fees in foreclosure of mortgages.

Also: Senate Bill No. 175—An Act to authorize any city or city and county of this State to take its census.

Also: Senate Bill No. 260—An Act to provide for the purchase of a portrait of ex-Governor John McDougall by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, to provide the penalty therefor, and appropriating money to enforce the same.

Also: Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

JONES, Chairman.

Senate Bills Nos. 8, 28, 50, 69, 73, 77, 111, 126, 161, 11, 74, 105, 130, 175, 260, 332, 100, and 273 ordered on file for third reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 463—An Act to amend Section 1114 of the Political Code of the State of California, relating to registration—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 415—An Act entitled an Act to amend Section 1192 of the Political Code of the State of California, relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 512—An Act to add a new article to Chapter I, of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV; and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county boards of election commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 351—An Act entitled an Act to amend Section 1196 of the Political Code, relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof—have had the same under consideration, and respectfully report the same back, as amended, without recommendation; Senator Stratton recommending the passage of the same as amended.

STRATTON, Chairman.

Senate Bills Nos. 463, 415, 512, 351, and 29 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 1, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That Mrs. William Sampson be and she is hereby appointed Janitress in the ladies' waiting-room at a per diem of \$3 50, the same to be paid out of the fund for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That C. De Zaldo be and is hereby appointed stenographer and typewriter to the President and Secretary of the Senate, to serve in the capacity of stenographer of the Senate at the desk, at the same per diem as the other clerks at the desk. The Controller is hereby directed to draw his warrants in favor of said C. De Zaldo, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with the following amendment: Strike out "at the same per diem as the other clerks at the desk," and substitute therefor the following: "At the rate of \$5 per day."

HOLLOWAY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That Mrs. H. B. Weller be allowed the sum of \$35, in payment of services

as Janitress of the Senate for seven days ending January 10, 1897, or during the temporary organization of the Senate, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following account:

SACRAMENTO, CAL., January 22, 1897.

State of California to L. F. Blackburn, Sergeant-at-Arms Senate, Dr.:

January 22d, to amounts advanced as follows:	
Union Ice Co., Voucher No. 1	\$12 40
B. Wilson & Co., Voucher No. 2	12 00
Chas. Flohr, Voucher No. 3	50
Kirk, Geary & Co., Voucher No. 4	2 00
Day & Joy, Voucher No. 5	3 00
H. S. Crocker Co., Voucher No. 6	25 30
H. S. Crocker Co., Voucher No. 7	63 50
Total	\$118 70
<i>Bought of Union Ice Co.:</i>	
January 17—1,240 pounds of ice, @ 1c	\$12 40
<i>Bought of B. Wilson & Co.:</i>	
January 6—2 dozen roller towels, @ \$6	12 00
<i>Bought of Chas. Flohr:</i>	
January 6—1 door key, room 59	50
<i>Bought of Kirk, Geary & Co.:</i>	
January 13—2 large thermometers, @ \$1	2 00
<i>Bought of Day & Joy:</i>	
January 14—11 badges	3 00
<i>Bought of H. S. Crocker Co.:</i>	
January 22—2 dozen Globe files, @ \$12 65	25 30
January 12—1 box chalk	\$0 25
January 13—3 dozen Globe files, @ \$12 65	37 95
January 15—2 dozen Globe files, @ \$12 65	25 30
	63 50

Have had the same under consideration, and respectfully report the same back as correct, and recommend that the following resolution be adopted:

Resolved, That the Controller be and he is hereby directed to draw his warrant for the sum of \$118 70, payable to L. F. Blackburn, Sergeant-at-Arms, out of the fund for contingent expenses of the Senate, and the Treasurer is directed to pay the same.

HOLLOWAY, Chairman.

The roll was called, and the foregoing reports and resolutions adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works—have had the same under consideration, and recommend that it do pass as amended.

MOREHOUSE, Chairman.

Assembly Bills Nos. 17 and 134 ordered on special Assembly file for second reading.

REPORT OF SPECIAL COMMITTEE.

ON PROPOSED HOME FOR GIRLS.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your special committee appointed to visit the buildings and site formerly occupied as a Home for the Feeble-Minded at Santa Clara, with a view of locating there the girls now confined in the female department of the State School at Whittier, beg leave to report that they have performed that duty, and, in connection with the Governor, have visited the said buildings and grounds, and thoroughly inspected the same, and beg leave to report as follows:

There are four distinct buildings, two of which can be used for residence purposes, and one of which can be used as an assembly hall and playroom, and the fourth as a laundry or workroom, and power-house.

One of the buildings is so constructed that it can easily be divided into two entirely separate and distinct departments, thus making, with one of the separated buildings, three distinct cottages for the use of the inmates.

It is hardly necessary to point out the advantages of being thus able to keep entirely distinct from each other the several classes of inmates, as the reform work is very much encouraged and facilitated by such segregation.

The buildings are now in a good state of repair, but will need flooring, papering, and painting, which will cost about three thousand dollars. The plumbing is in good shape, and although some of the rooms had been closed for a long time, there was no odor or dampness perceptible.

There are fifty-one acres of ground surrounding the buildings, with a fine grove of trees. The buildings are connected by a covered walk, so that, even in the most inclement weather, there will be no inconvenience in passing from one to the other. They are large and commodious, and when occupied by the Home for the Feeble-Minded the buildings afforded accommodation for one hundred and fifty children, with their necessary attendants. They could probably accommodate nearly two hundred girls at the present time.

The institution has an ample supply of water, but the city authorities have offered to furnish free of cost fifty gallons of water per capita per diem, if the present water supply should prove inadequate. This certainly would be ample for any possible demand of the institution.

The City of Santa Clara also offers to extend its sewerage system so as to connect with that of the institution, and to furnish, free of cost, electric lighting for the grounds; and, if it can be so arranged for the building, the latter also free, or at a very small cost.

The institution is located on elevated ground, some little distance from the City of Santa Clara. It commands a fine view of the valley, and is a beautiful and healthful spot. It has the advantage of lying some distance from the public road, and being a long way from any large city; the proximity of Los Angeles being one of the principal objections to the present location of the Girls' School at Whittier.

At small cost, the girls could raise poultry, do their own dairying and butter-making, and be largely self-sustaining. There is a further advantage, that the institution would have no connection, even in name, with any other reformatory. Experience has shown that where boys and girls are both inmates of the same institution, even when entirely separated from each other, yet the common name acts as a connecting link between them, and has the effect of demoralizing them, and retarding their progress toward the right when they leave the institution.

After having carefully examined this institution and the advantages which it presents for the purposes proposed, your committee would urgently recommend that at the earliest possible moment the girls at present committed to the State School at Whittier be transferred to the former Home for the Feeble-Minded at Santa Clara, and they feel confident that the result will be to the best interests of the children of the State, and to all concerned.

All of which is respectfully submitted.

FRANCK, Chairman Special Committee.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your special committee appointed to visit the buildings and grounds formerly occupied as the Home for the Feeble-Minded at Santa Clara beg leave to report that they have performed their duty and report back the result of their investigations to the Senate, and they now present their expense account for the same, amounting to \$60 for railroad and hotel expenses, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of F. C. Franck for the sum of \$60; said warrant to be so drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

FRANCK, Chairman Special Committee.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 29th day of January adopted the following:

Assembly Joint Resolution No. 17, relative to the struggle of the Cuban people for free and independent government.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Joint Resolution No. 17 ordered on twelve-day file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of February passed the following:

Assembly Bill No. 227—An Act making an appropriation to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895.

Also: Assembly Bill No. 415—An Act to amend Section 383 of the Code of Civil Procedure.

Also: Assembly Bill No. 416—An Act to amend Section 389 of the Code of Civil Procedure.

Also: Assembly Bill No. 417—An Act to amend Section 396 of the Code of Civil Procedure.

Also: Assembly Bill No. 21—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 227 read first time, and referred to the Committee on Military Affairs.

Assembly Bill No. 415 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 416 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 417 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 21 read first time, and referred to the Committee on City, City and County, and Town Governments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of February passed the following:

Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 180, relating to the acceptance and holding of private deposits of moneys, or other valuables, in the county treasury by the County Treasurers.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 173 read first time, and referred to the Committee on Banks and Banking.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 29th day of January passed the following:

Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure.

Also: Assembly Bill No. 420—An Act to amend Section 581 of the Code of Civil Procedure.

Also: Assembly Bill No. 421—An Act to amend Section 632 of the Code of Civil Procedure.

Also: Assembly Bill No. 422—An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be numbered 635.

Also: Assembly Bill No. 423—An Act to amend Section 658 of the Code of Civil Procedure.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 419, 420, 421, 422, and 423 read first time, and referred to the Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 29th day of January passed the following:

Assembly Bill No. 424—An Act to amend Section 659 of the Code of Civil Procedure.

Also: Assembly Bill No. 425—An Act to amend Section 660 of the Code of Civil Procedure.

Also: Assembly Bill No. 426—An Act to amend Section 661 of the Code of Civil Procedure.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 424, 425, and 426 read first time, and referred to the Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of February passed the following:

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Also: Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Also: Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 11, 12, and 41 read first time, and referred to the Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Voorheis: Senate Bill No. 563—An Act making an appropriation to pay the deficiency in the appropriation for support of Preston School of Industry, at Ione, California, for the forty-eighth fiscal year.

Referred to the Committee on Finance.

Also: Senate Bill No. 564—An Act to appropriate money for the erection of a hospital building at the Preston School of Industry, at Ione, California.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Mahoney: Senate Bill No. 565—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours, in mills, factories, shipyards, foundries, and other places where fixed machinery is used.

Referred to the Committee on Labor and Capital.

Also: Senate Bill No. 566—An Act to provide a relief fund for

injured and disabled firemen of the volunteer fire departments within incorporated cities and towns.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Bert: Senate Bill No. 567—An Act to amend an Act known as the Code of Civil Procedure of California, approved March 11, 1872, by amending Sections 1474, 1475, 1476, and 1486, and adding a new section, to be known as Section 1479, relating to the administration of the homestead.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 568—An Act to amend an Act known as the Code of Civil Procedure of California, approved March 11, 1872, by amending Sections 1464, 1465, 1466, 1467, 1468, and 1469, and repealing Section 1470 thereof, relating to the provision for the support of the families of deceased persons.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 569—An Act relating to actions for the recovery or possession of real property, and the determination of adverse claims thereto.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 570—An Act to amend Section 737 of the Political Code of the State of California, relating to the annual salaries of the Judges of the Superior Court.

Referred to the Committee on Judiciary.

Also (by request): Senate Bill No. 571—An Act concerning actions of ejectment and actions to quiet title to real property.

Referred to the Committee on Judiciary.

By Senator Stratton: Senate Bill No. 572—An Act to amend Section 337 of the Civil Code of the State of California, relating to the publication of notice of the delinquent assessment upon stock of corporations.

Referred to the Committee on Corporations.

Also: Senate Bill No. 573—An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations.

Referred to the Committee on Corporations.

By Senator Androus: Senate Bill No. 574—An Act amending Section 534 of the Political Code.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 575—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums, paid in the construction and erection of the Whittier State School.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Pedlar: Senate Bill No. 576—An Act to prevent imposition and fraud by persons representing themselves to be members of lawful organizations, and to prevent the wearing of the badge or insignia of such lawful organizations, by persons not entitled to wear the same.

Referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 577—An Act to amend an Act entitled "An Act granting certain lands to the United States," approved May 14, 1862.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Simpson: Senate Bill No. 578—An Act amending Section 671 and Section 674 of the Code of Civil Procedure of the State of California, approved March 12, 1872, relative to docketing judgments, and making the same a lien upon real property.

Referred to the Committee on Judiciary.

By Senator Flint: Senate Bill No. 579—An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State Prisons.

Referred to the Committee on State Prisons and Prison Buildings.

By Senator Henderson: Senate Bill No. 580—An Act to enable all counties, incorporated towns or cities, or consolidated cities and counties of this State to use patented automatic voting or ballot machines at all elections therein.

Referred to the Committee on Elections.

Also: Senate Bill No. 581—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Referred to the San Francisco Delegation.

By Senator Gillette: Senate Bill No. 582—An Act authorizing municipal corporations to lease, purchase, own, and operate gravel beds and quarries, and to transport gravel and rock therefrom to such municipal corporations, for the purpose of making, improving, and repairing roads.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Morehouse: Senate Bill No. 583—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, and to appoint a secretary therefor, to relieve said court from the overburdened condition of its calendar, and to provide for the compensation of said commissioners and secretary, and to appropriate money therefor.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 584—An Act to create and administer a public school teachers' annuity retirement fund in cities of this State of the first, second, and third classes, having Boards of Education.

Referred to the Committee on Education and Public Morals.

By Senator Bulla: Senate Bill No. 585—An Act to provide for the filling up or draining of lots upon which there is stagnant water or offensive substances, and providing for collection of costs of the same.

Referred to the Committee on City, City and County, and Town Governments.

By Committee on Claims, Retrenchment, and Public Expenditures: Senate Bill No. 586—An Act to amend Sections 364 and 680 of the Political Code, and to add a new section thereto, to be known as Section 686 of the Political Code, all relating to the State Board of Examiners.

By Senator Dickinson: Senate Bill No. 587—An Act to amend Section 595 of the Civil Code of the State of California, relating to religious, social, and benevolent associations.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 588—An Act to amend the Penal Code of the State of California, relating to fish and game, and to add a new section thereto, to be numbered 626j.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

By Senator Shippee: Senate Bill No. 589—An Act to amend Section 1830 of the Political Code, relating to schools.

Referred to the Committee on Education and Public Morals.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and distribution of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Also: Senate Bill No. 141—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

Also: Senate Bill No. 142—An Act to amend Section 698 of the Code of Civil Procedure of the State of California, relating to executions.

Also: Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Also: Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 274—An Act to establish as public schools, technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

JONES, Chairman.

Senate Bills Nos. 127, 141, 142, 249, 261, and 274 ordered on file for third reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Mahoney:

Resolved, That the Controller be directed to draw his warrant in favor of F. J. Brandon, Secretary of Senate, for the sum of \$59 25, to pay for rubber stamps, as per accompanying vouchers, provided for the officers of the Senate, the said sum to be paid out of the Contingent Fund of the Senate.

Bought of Frank H. Wing:

January 11—1 fac-simile, self-inking, improved band dater, "Adopted".....	\$7 50	
1 fac-simile pocket stamp, "G. W. McIntyre, Asst. Secty.".....	3 50	
1 fac-simile pocket stamp, "Alf. D. Bowen, Asst. Secty.".....	3 50	
28 committee stamps @ 50 cents each.....	14 00	
1 black walnut stamp case, \$2 50; 1 large self-inking pad, 75c.....	3 25	
		\$31 75

Bought of H. C. Megerle:

January—Rubber stamps, self-inking stamps, fac-similes, and supplies furnished officers of Senate.....	27 50
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Also:

Resolved, That the Controller be directed to draw his warrant on the Contingent Fund of the Senate in favor of F. J. Brandon for the sum of \$178 85, in payment of repairs to Secretary's desk, building new window to Senate Chamber, and to electric repairs, as per accompanying vouchers:

Bought of John Breuner:

January 14—Repairing Secretary's desk, and 1 new desk.....	\$45 00
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Bought of the Sullivan-Kelly Company:

November 21—2 plates, 56"x 76", \$37 50 each.....	\$75 00
Glazed.....	4 50
	79 50

Bought of Hartwell, Hotchkiss & Stalker:

November 25—1 sash, 5'2"x 13'6", 2 1/4" thick.....	\$15 00
32 ft. mahogany molding.....	1 60
48 ft. pine molding.....	48
Labor and material furnished by F. Cady.....	21 50
	38 58

Bought of Tom Scott:

January 9—25 ft. electric silk cord @ 5 cents.....	\$1 25
1 T. H. electric socket	50
1 6" block	50
1 electric desk, portable	7 50
Labor, lowering fixtures, and putting in wire for light on Secretary's desk.....	6 00
	<hr/> \$15 75

By Senator Pedlar:

Resolved, That the Sergeant-at-Arms is hereby directed to furnish the Senate Chamber during the balance of its session with Blue Cañon water for drinking purposes, at a sum not to exceed \$5 per diem.

By Senator Smith:

Resolved, That the sum of \$22 58 be and it is hereby appropriated out of the fund for the contingent expenses of the Senate, to pay for telegraphing Senate Joint Resolution No. 9, relative to the construction of the Nicaragua Canal, as per bill attached, and that the Controller is hereby directed to draw his warrant for said amount in favor of J. K. Beede, manager of Postal Telegraph Company.

SACRAMENTO, January 31, 1897.

California State Senate in account with Pacific Postal Telegraph-Cable Co.:

January 27—Telegram to Honorable Speaker of House of Representatives, Washington.....	\$11 29
January 27—Telegram to President of United States Senate, Washington....	11 29
	<hr/> \$22 58

The foregoing resolutions were referred to the Committee on Attachés, Contingent Expenses, and Mileage.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 35—An Act to authorize cities and towns owning public parks outside of their limits to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities or towns to, into, and through such parks, and to acquire lands for that purpose.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 35, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. We desire to call attention to the provisions extending jurisdiction over territory which may be within another municipal corporation.

WITHINGTON, for the Committee,

Senate Bill No. 35 read third time, and passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—33.
 NOES—None.

Title read and approved.

Senate Bill No. 36—An Act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 36, have examined the same, and report that the object cannot be

secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. We call attention to the extension of jurisdiction within other municipal corporations.

WITHINGTON, for the Committee.

Senate Bill No. 36 read third time, and passed by the following vote:

AYES—Senators Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 37—An Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities and towns leading to public parks owned thereby.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 27, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 37, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. We call attention to the extension of jurisdiction over territory which may be within other municipal corporations.

WITHINGTON, for the Committee.

Senate Bill No. 37 read third time, and passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—34.

NOES—None.

Title read and approved.

Senate Bill No. 123—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Senator Seawell asked unanimous consent to withdraw Senate Bill No. 123.

Consent granted.

Senate Bill No. 123 withdrawn, and ordered stricken from the file.

Senate Bill No. 63—An Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

Senate Bill No. 63 read third time, and passed by the following vote:

AYES—Senators Aram, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—33.

NOES—None.

Title read and approved.

Senate Bill No. 24—An Act fixing the minimum rate of compensation for labor on public work.

Senator Bert asked unanimous consent to withdraw Senate Bill No. 24, it being an identical bill.

Consent granted.

Senate Bill No. 24 withdrawn, and ordered stricken from the file.

Senate Bill No. 27—An Act to prevent collusion between employers of labor and employment agents.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 27, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senate Bill No. 27 read third time, and passed by the following vote:

AYES—Senators Aram, Boyce, Braunhart, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Stratton, Toner, Trout, and Wolfe—23.

NOES—Senators Androus, Bert, Bulla, Gleaves, Holloway, Jones, Langford, Pedlar, Shippee, Simpson, Smith, and Withington—12.

Title read and approved.

Senate Bill No. 70—An Act to provide for the employment of citizens of the United States upon public works within this State.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 70, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

During the third reading of the bill, Senator Morehouse moved that Senator Bulla be appointed a special committee of one to amend as follows:

By adding to Section 1, line 1, the words "or who has not declared his intention to become a citizen" after the words "United States."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 70, with instructions to amend, respectfully reports the same back, and recommends that the amendments be not adopted.

BULLA, Committee.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 98—An Act to amend Section 1369 and Section 1379 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the competency and appointment of administrators of estates of deceased persons.

During the second reading of bill, Senator Braunhart moved to amend as follows:

Add the following, to be known as Section 3: This Act shall take effect and be in force from and after the first Monday in January, 1899.

Amendment lost.

Bill read second time, and ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

The question recurring on the adoption of the report of the special committee of one appointed, just preceding recess, to amend Senate Bill No. 70.

Senator Morehouse moved that Senator Bulla be excused from serving as a special committee of one, and that Senator Franck be appointed in his stead, with the same instructions to amend.

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 70, with instructions to amend as follows: Insert the words "or who has not declared his intention to become a citizen" after the words "United States," on line 1, page 1—respectfully reports the same back, amended as per instructions.

FRANCK, Committee.

On the adoption of the report of the special committee, the ayes and noes were demanded by Senators Morehouse, Franck, and Pedlar.

The roll was called, and the report of special committee of one and amendment refused adoption by the following vote:

AYES—Senators Androus, Denison, Franck, Holloway, Jones, Mahoney, Morehouse, Pedlar, Simpson, Smith, and Withington—11.

NOES—Senators Braunhart, Bulla, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Henderson, La Rue, Luchsinger, Seawell, Shippee, Stratton, Trout, and Wolfe—16.

During the third reading of bill, Senator Smith moved that Senator Simpson be appointed a special committee of one to amend bill as follows:

By striking out all of Section 2, and renumbering Section 3, Section 2.

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 70, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one and amendment adopted.

Bill read third time, and ordered to print and reëngrossment.

Senate Bill No. 62—An Act amending Section 3245 of the Political Code, relating to labor.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 28, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 62, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions, but that the figures 8 in line 12 and 24 in line 13, in Section 1, should be stricken out; also, Section 2 is ineffective, and should be made a section of the Penal Code.

WITHINGTON, for the Committee.

During the third reading of the bill, Senator Morehouse moved that Senator Franck be appointed a special committee of one to amend bill as follows:

Strike out of Section 1, lines 9 and 10, the words "or by the authority of any municipal corporation within this State."

Also: Amend by striking out the figures 8 in line 12 and 24 in line 13 in Section 1; and also, by striking out Section 2.

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 62, with instructions to amend, respectfully reports the same back, amended as per instructions.

FRANCK, Committee.

Report of special committee of one and amendments adopted.

Bill read third time, and ordered to print and reingrossment.

Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

The bill having been read the third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 16 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 33—An Act for the certification of land titles and the simplification of the transfer of real estate.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 33, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

During the third reading of the bill, Senator Aram moved that Senator Simpson be appointed a special committee of one to amend bill as follows:

By striking out of Section 114, line 6, the words "one dollar and fifty cents," and inserting instead thereof the words "two dollars and fifty cents."

Also: By striking out of line 7 thereof the words "fifty cents," and inserting instead thereof the words "one dollar."

Also: In line 9 thereof, by striking out the words "one dollar and fifty cents," and inserting instead thereof the words "two dollars and fifty cents."

Also: By striking out of lines 14 and 15 thereof the words "one dollar and fifty cents," and inserting instead thereof the following: "two dollars and fifty cents."

Motion lost.

Bill read third time.

The roll was called, and Senate Bill No. 33 refused passage by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Denison, Dwyer, Franck, Jones, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Smith, Stratton, Voorheis, and Withington—17.

NOES—Senators Aram, Bert, Bulla, Dickinson, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Seawell, Simpson, Toner, Trout, and Wolfe—20.

NOTICE OF RECONSIDERATION.

Senator Bulla gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 33 was this day refused passage.

Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 8 and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

The bill having been read a third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Denison, Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 2d day of February passed the following:

Assembly Bill No. 164—An Act to amend Section 2181 of the Civil Code of California, relating to luggage.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 164 read first time, and referred to the Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Stratton: Senate Bill No. 590—An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of, and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State.

Referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Aram: Senate Bill No. 591—An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Dwyer (by request): Senate Bill No. 592—An Act for the incorporation of societies for the enforcement of the law and the prosecution of public offenders.

Referred to the Committee on Education and Public Morals.

By Senator Jones: Senate Bill No. 593—An Act to provide for vacating and closing up any park, plaza, public square, or other public reservation not belonging to the State, and not situated within any municipality.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 594—An Act making an appropriation for the furnishing of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 595—An Act to amend Section 1577 of the Political Code of the State of California, relating to the time of forming new school districts, and changing the boundaries of school districts.

Referred to the Committee on Education and Public Morals.

ADJOURNMENT.

At three o'clock and fifty-two minutes P. M., on motion of Senator Wolfe, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 3, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Monday, February 1, 1897, was approved.

LEAVE OF ABSENCE.

Senator Holloway was granted a leave of absence for the day, on motion of Senator Stratton.

Senator Linder was granted a leave of absence for the day, on motion of Senator Dickinson.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 233—An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California.

Also: Senate Bill No. 203—An Act making an appropriation to pay the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.

Also: Senate Bill No. 247—An Act for the relief of John Mullan, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 307—An Act making an appropriation to pay the claim of Thomas Hatch—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance, as this committee believes it is not properly before it.

BULLA, Chairman.

Senate Bills Nos. 233, 203, 247, 307, and 488 re-referred to the Committee on Finance.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to a special committee, consisting of Lieutenant-Governor Jeter, Senator Boyce, and Senator Flint.

Also: Senate Bill No. 31—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building, in San Francisco, and making an appropriation therefor.

Also: Senate Bill No. 38—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Also: Senate Bill No. 371—An Act making an appropriation for improving the Capitol buildings and grounds.

Also: Senate Bill No. 387—An Act making an appropriation for the construction of a cement floor in the basement of the State Normal School building at Chico.

Also: Senate Bill No. 388—An Act making an appropriation for a fence in front of the grounds of the State Normal School building at Chico.

Also: Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Also: Senate Bill No. 291—An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DENISON, Chairman.

Senate Bill No. 419 referred to the special committee consisting of the President of the Senate and Senators Boyce and Flint.

Senate Bills Nos. 31, 38, 371, 387, 388, 389, and 291 re-referred to the Committee on Finance.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 109—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that the committee substitute be adopted, and that it be re-referred to Committee on Finance.

SHINE, Chairman.

Committee substitute for Senate Bill No. 109 ordered printed and referred to the Committee on Finance.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 76—An Act providing for the dissolution of certain corporations doing a banking business—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor—have had the same under consideration, and beg leave to report same back, and to have it re-referred to Committee on Claims, Retrenchment, and Public Expenditures.

FRANCK, Chairman.

Senate Bill No. 76 ordered on file for second reading.

Senate Bill No. 386 re-referred to the Committee on Claims, Retrenchment, and Public Expenditures.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 169—An Act to promote the safety of employees and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties—respectfully report back a substitute therefor.

Also: Assembly Bill No. 164—An Act to amend Section 2181 of the Civil Code of California, relating to luggage.

Have had the same under consideration, and respectfully report the same back, and recommend that Assembly Bill No. 164 and the substitute for Senate Bill No. 169 do pass.

DICKINSON, Chairman.

Senate Bill No. 169 ordered on file for second reading, and the committee substitute therefor ordered printed.

Assembly Bill No. 164 ordered on Special Assembly File for second reading.

ON CONSTITUTIONAL AMENDMENTS—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to and providing for the repeal of Sections 22 and 23 of Article XII of the Constitution, relative to a Board of Railroad Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Senator Braunhart has prepared a minority report, which is presented herewith.

BERT, Chairman.

ON CONSTITUTIONAL AMENDMENTS—MINORITY REPORT.

As a member of the Committee on Constitutional Amendments, I dissent from the conclusions of the majority, and recommend to the Senate that Constitutional Amendment No. 9 do not pass, for the following reasons:

The Railroad Commission was created to remove from the halls of the Legislature that ever notorious source of vexation, excitement, corruption, and scandal caused by personal attempts to curb the rapacity of the railroad corporations in the scale established by them for the transportation of freight and passengers. All efforts to fix, by statute law, a tariff which would be just and equitable alike to the people of the State and to the railroad corporations were, without exception, signal failures, owing to influences which, being too well known, do not need elaboration of detail at this time. It will be well to recollect that when the section was proposed for insertion in our present State Constitution, the expediency, as well as the necessity, of such a provision had been fully demonstrated at nearly every session of the Legislature, where all efforts to regulate the scale of prices for freight and passengers had either proven wholly or partially abortive to accomplish any beneficial exercise of the State control over railroad corporations. These repeated failures amply justified the assumption on the part of the delegates to the Constitutional Convention that it was unwise to endeavor to regulate the fares and freights by the terms of statute law. Putting aside all imputations upon the integrity of the lawmakers, the experience of many Legislatures has always failed to regulate fares and freights by the establishment of maximum and minimum rates. A fixed and inflexible rule as to rates must be laid down, if done by statute, fixing maximum or minimum rates, or both maximum and minimum rates, for the transportation of passengers and freight. We know that former Legislatures have shown the impossibility of regulating these matters in a manner that would be just and beneficial, either to the people or the railroad corporations, by any statute fixing these matters. The debates that took place in the Constitutional Convention indicate that, when this section came up for discussion, the plan of having a State Railroad Commission was on the theory that such a commission should at once be the agents of the people of the State, and of the railroad companies, for the establishment of rates which would be just and equitable to both parties alike, and that such commission should be equally bound to do justice to the people and to the railroad companies. It was further proclaimed that all questions of railroad tariff should be placed far from the maddening hurly-burly of a sixty-day Legislature, and where there would be a wise, calm, and just exercise of the power of control by the people of the State over these transportation companies.

I do not assume to be a prophet of evil—like Cassandra—who saw naught but evil flitting like a pestilential shadow over the ruins of a desolate land. But I warn you that if you promote by your actions the scheme to abolish this Railroad Commission, you will witness a biennial renewal of the many scenes of infamous memory—the blasting of the reputations of hundreds of public men, and the unholy breaking of the most solemn pledges.

Let me now invite the attention of the Senate to Judge McKenna's very recent decision, wherein it was held that the Railroad Commission had the power to fix rates after taking testimony thereon and investigating the matter fully, but that such rates must be reasonable. We take it that this decision must be considered, until it is reversed or modified by a higher tribunal, as binding on whatever body shall be vested by law with the power of regulating tariffs. If obligatory on the commission, the rule announced would have to be followed by the Legislature also, if it should be clothed with such power. In fact it was based upon the theory that the commission was, for the purpose of regulating rates, a legislative body; and the decision purports to be but the echo of those which had previously dealt with the regulation of railroad rates by the Legislature itself or by legislative agencies. How could it be possible for a Legislature, during the fitful fever of its life of sixty days, to examine into and determine the multitudinous mazes of intricacy that befog this abstruse question of just rates and fares, and at the same time deal deliberately upon the making of the necessary laws, which come up every two years?

As long as it stands unchanged and unmodified, the decision of Judge McKenna in conceding the right to the commissioners to regulate these matters, subject to the limitations above indicated, it is one of incalculable moment to the people of the State. Should, however, this Legislature, in its wisdom, see fit to recommend that the provision creating a railroad commission should be stricken from the Constitution,

not only would the advantages so stubbornly fought for and won after so many insuperable difficulties be entirely lost, but the result would be that the railroad corporations would have unrestricted license to establish such rates as the managers of these corporations would deem proper.

Safely ensconced behind Judge McKenna's decision, the people of the State have been doubly fortunate in electing Railroad Commissioners the majority of whom, for the first time since the organization of the commission, being gentlemen absolutely free from railroad influence, have attempted to deal justly toward the people of the State and justly toward the corporations. Political conventions in former years have not been over-nice in foisting upon their respective parties as nominees for Railroad Commissioners persons whose only claim to distinction was that they were the faithful creatures, the loyal servitors of the railroads. From this proscription list should be excepted the late Governor Stoneman and the Honorable W. W. Foote and the gentlemen who compose the present commission. The people are aroused to a pitch that will not brook paltering with the questions that so vitally concern their very existence. The defeat of men on account of their support of measures intended to benefit corporate interests utters a loud note of warning which those ambitious for public preferment cannot in the future afford to disregard.

Again, for the sake of argument, let us shut our eyes to past experience and admit that the Legislature would fix an equitable tariff. Such a tariff, if resisted by the railroads, would be very difficult, nay, impossible, of enforcement, by reason of the absence of an official body vested with power to defend the same in the courts.

The power of the corporation which would be exerted on the Legislature would be too strong for public safety. As it is now, it permeates everywhere. It reaches every interest in the community.

Let me add, in conclusion, that any action at this time such as that contemplated by the majority report of this committee might, and no doubt would, seriously affect the future of the litigation now pending in the United States Circuit Court. For the first time in the history of the State a foundation has been laid by the Railroad Commission and its attorneys for a thorough investigation in the courts of the business and affairs of the Southern Pacific Company and its leased lines. That investigation will undoubtedly throw a wholesome light upon the methods of the great railroad system which monopolizes the transportation of almost the entire State. It will undoubtedly show that those methods have so closed the preliminary hearing of the questions involved in the action now pending that Judge McKenna was forced to a conclusion as to the reasonableness of the rates fixed by the commission, which, at the hearing upon the merits, he, or whoever tries the case, will be obliged to alter. The company, which, by its affidavit-makers, swore itself to the verge of insolvency, will, I feel confident, when called to an actual accounting of its legitimate earnings and expenditures, be found in a sufficiently healthy financial condition to fully warrant the reduction of rates made by the commission. Hasty action at this time by the Legislature may circumvent all this. It may rob the people of their right to inquire, for the first time, into the real facts of the Southern Pacific Company's dealings with them. It would certainly cripple the efficiency of the commission until its fate was decided, and it would necessarily dampen the ardor of those who have fought for the commission's very existence, and sustained it, and who are now fighting for the commission's rights, and for a just showing of the railroad's business.

For the above reasons I respectfully submit that the proposed amendment should not pass.

Respectfully submitted,

BRAUNHART.

Senate Constitutional Amendment No. 9 ordered on twelve-day file.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it be amended by striking from the title all after the word "surveyors," in first line thereof.

Also: Strike out all after the words "Sec. 14," and insert the following:
"All Acts and parts of Acts in conflict with this Act are hereby repealed."
"Sec. 15. This Act shall take effect immediately."

And that it do pass as amended.

ARAM, Chairman.

Senate Bill No. 417 ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 162—An Act to regulate the salaries of certain

officers in the police department of counties, cities, and cities and counties of this State having a population of two hundred thousand or more inhabitants, and to provide for the appointment and salaries of other officers of such department—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the San Francisco Delegation.

Also: Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council, or other legislative body of any municipality, to be presented to the Mayor, or other chief executive officer of such municipality, for his approval—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GILLETTE, Chairman.

Senate Bill No. 162 re-referred to the San Francisco Delegation.

Senate Bills Nos. 451 and 483 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms is hereby directed to furnish the Senate Chamber during the balance of its session with Blue Cañon water for drinking purposes, at a sum not to exceed \$5 per diem.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with the following amendment: Striking out "\$5 per diem," and substituting therefor "\$3 50 per diem."

TROUT, for the Committee.

The roll was called, and the foregoing report and resolution, as amended, adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Langford, Luchsinger, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—27.

NOES—Senators Gillette, Gleaves, Jones, La Rue, Mahoney, Morehouse, Smith, and Voorheis—8.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following account and resolution:

Resolved, That the sum of \$22 58 be and it is hereby appropriated out of the fund for the contingent expenses of the Senate, to pay for telegraphing Senate Joint Resolution No. 9, relative to the construction of the Nicaragua Canal, as per bill attached, and that the Controller is hereby directed to draw his warrant for said amount in favor of J. K. Beede, manager of Postal Telegraph Company.

SACRAMENTO, January 31, 1897.

California State Senate in account with Pacific Postal Telegraph-Cable Co.:

January 27—Telegram to Honorable Speaker of House of Representatives,

Washington.....\$11 29

January 27—Telegram to President of United States Senate, Washington... 11 29

————\$22 58

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

TROUT, for the Committee.

The roll was called, and the foregoing report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Jones, Langford, La Rue, Morehouse, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following report and resolution:

Your special committee appointed to visit the buildings and grounds formerly occupied as the Home for the Feeble-Minded at Santa Clara, beg leave to report that they have performed their duty and report back the result of their investigations to the Senate, and they now present their expense account for the same, amounting to \$60, for railroad and hotel expenses, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of F. C. Franck for the sum of \$60; said warrant to be so drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

FRANCK, Chairman Special Committee.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

TROUT, for the Committee.

The roll was called, and the foregoing report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Jones, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 348—An Act prohibiting the establishing, locating, placing, or maintaining of any hospital, sanitarium, building, or other structure used, or intended to be used, for the reception, care, or treatment of any person or persons afflicted with any contagious or infectious disease, within three thousand feet of any lake, pond, river, creek, ditch, or reservoir, the water of which is or may be used for domestic purposes other than in said institution; and forbidding any person or corporation from receiving, accepting, caring for, or treating any person or persons afflicted with any contagious or infectious disease in any such hospital, sanitarium, building, or other structure within three thousand feet of any lake, pond, river, creek, ditch, or reservoir, the water of which is or may be used for domestic purposes other than in said institution—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that the substitute do pass.

ARAM, Chairman.

Senate Bill No. 348 ordered on file for second reading.

Senate Bill No. 64 ordered on file for second reading, and the committee substitute therefor ordered to print.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SIMPSON, Chairman.

Senate Bill No. 405 ordered on file for second reading.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 515—An Act prescribing the manner of locating and

relocating mining claims and mill sites upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders.

Also: Assembly Joint Resolution No. 19—Relative to the creation of a Department of Mines and Mining.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

SHINE, Chairman.

Senate Bill No. 515 ordered on file for second reading.

Assembly Joint Resolution No. 19 ordered on twelve-day file.

Assembly Bill No. 30 re-referred to the Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 2d day of February, adopted the following:

Senate Joint Resolution No. 8—relative to protective tariff on asphaltum.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Senate Joint Resolution No. 8 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 2d day of February, adopted the following:

Assembly Joint Resolution No. 14—Relative to the publishing of monthly reports by the Secretary of Agriculture.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Joint Resolution No. 14 referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 2d day of February, refused second reading of the following:

Senate Bill No. 112—An Act to amend Section 1137 of the Penal Code, relating to papers a jury may take when retiring.

Also: Senate Bill No. 115—An Act to amend Section 612 of the Code of Civil Procedure, relating to papers a jury may take when retiring.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, February 2, 1897.

To the Senate of the State of California:

Senate Joint Resolution No 2, which provides, among other things, "that these resolutions be printed and duly attested, and a copy forwarded to each member of the Ways and Means Committee of the House of Representatives, and to each present Senator and Representative in Congress, and to each Senator and Representative of the forthcoming Congress of America."

I have the honor to inform your honorable body that I have not received from it, or elsewhere, a sufficient number of said duly attested copies to comply with said resolution, nor have I received any such attested copies.

Yours respectfully,

JAMES H. BUDD, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, February 2, 1897.

To the Senate of the State of California:

Senate Joint Resolution No. 11, which provides, among other things, "that the same be printed and duly attested, and a copy forwarded to each Senator and Representative in Congress now serving, and to each Senator and Representative of the Congress to assemble after the fourth of March, eighteen hundred and ninety-seven," was transmitted from your honorable body to the Governor on January 29, A. D. 1897.

I have the honor to inform your honorable body that I have not received from it, or elsewhere, a sufficient number of said duly attested copies to comply with said resolution, nor have I received any such attested copies.

Yours respectfully,

JAMES H. BUDD, Governor.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills and joint resolution were introduced, read first time, and referred to committees, as indicated:

By Senator Gleaves: Senate Bill No. 596—An Act to classify the roads in the State of California, and to define each class.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 597—An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the employment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 598—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 599—An Act to amend Section 2653 of the Political Code of the State of California, relative to property highway tax.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 600—An Act regulating the width of tires upon wagons and other vehicles to be used upon the highways of the State of California, and providing penalties for violations of the provisions of this Act.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 601—An Act to amend Section 1238 of the Penal Code, relating to appeals by the people.

Referred to the Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 602—An Act for the payment of the claim of Julius Herzog, and to appropriate money therefor.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Androus: Senate Bill No. 603—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the

responsibility of the parents to the counties from which their children are committed."

Referred to the Committee on State Prisons and Prison Buildings.

By Senator Bulla: Senate Bill No. 604—An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

Referred to the Committee on Corporations.

By Senator Bert: Senate Bill No. 605—An Act to amend Section 1704 of the Code of Civil Procedure.

Referred to the Committee on Judiciary.

By Senator Brauhart: Senate Bill No. 606—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to salaries of county officers in counties of the first class.

Referred to the Committee on County Governments and Township Organization.

By Senator Henderson: Senate Bill No. 607—An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relative to the taking of depositions in this State.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 608—An Act relating to the falsifying of evidence and amending Section 132 of the Penal Code of the State of California.

Referred to the Committee on Judiciary.

By Senator Voorheis: Senate Bill No. 609—An Act making an appropriation to pay the claim of J. W. Sibole.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Seawell: Senate Bill No. 610—An Act to amend Section 841 of the Civil Code of the State of California, and to add to said Code two new sections, to be numbered and known as Section 841 and Section 842, all relating to the rights and duties of coterminal owners to maintain boundaries, monuments, and fences between them, and to the enforcement of said rights and duties.

Referred to the Committee on Judiciary.

By Senator Doty: Senate Bill No. 611—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, their appointments and duties.

Referred to the Committee on Judiciary.

JOINT RESOLUTION.

By Senator Doty:

SENATE JOINT RESOLUTION No. 13.

WHEREAS, There is now pending in the House of Representatives a bill entitled H. R. 260—"A Bill to increase the salary of letter carriers"—said bill having passed the Senate by an unanimous vote and reported favorably by the Committee on Post Offices and Post Roads of the House, the provisions of the bill adding a fourth grade of salary in first-class offices of one thousand two hundred dollars per annum, and in second-class offices one thousand dollars per annum, the present salary being six hundred dollars to eight hundred dollars and one thousand dollars in first-class offices, and six hundred dollars and eight hundred and fifty dollars in second-class offices;

WHEREAS, Under present conditions, a carrier entering the service must serve at least eight years before he can obtain the highest grade of salary, the substitute list and subsequent grades of service requiring that time;

WHEREAS, The carrier service is self-supporting and a source of revenue to the Government; the duties of the carrier exacting, arduous, and responsible, requiring a high grade of physical and mental ability;

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators and Representatives at Washington be and are hereby requested to urge the passage of said bill at the present session of Congress; that the Secretary of the Senate be and is hereby instructed to transmit a copy of these resolutions to our Representatives in Congress; also to Hon. Thomas B. Reed, Speaker of the House of Representatives.

Referred to the Committee on Federal Relations and Immigration.

RE-REFERENCE OF BILL.

On motion of Senator La Rue, Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor—was re-referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture, for the purpose of correction, the bill to retain its place on file.

MOTION.

Senator Dickinson moved that Senate Joint Resolution No. 6 be taken up and considered.

So ordered.

SENATE JOINT RESOLUTION No. 6.

Relative to the establishment of a national leper asylum by the Government of the United States.

WHEREAS, There are several hundred cases of leprosy existing in the United States, particularly in the States of California, Oregon, Washington, Louisiana, Kansas, Minnesota, Illinois, South Carolina, New York, North Dakota, and South Dakota; and

WHEREAS, These lepers have generally been sent or imported into the United States, and a great many have been thrust upon the Pacific States from the Hawaiian Islands, Fiji Islands, Tahiti, China, and Mexico; and

WHEREAS, The support and care of these unfortunates, which the National Government permits to enter, or does not prevent from entering, this country, should not be cast as a burden on local governments, but appropriately appertain to the Government of the United States, in its duty to protect the nation from the entry into its territory of such sufferers; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Congress of the United States be earnestly requested to enact such laws as may be necessary and expedient for the establishment and maintenance of a national leper asylum, and that our Senators be instructed, and our Representatives be requested, to actively and urgently advocate the enactment of such laws;

Resolved, That the Governor be requested to transmit a copy of the preamble and these resolutions to the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress.

Resolution read.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Brauhnart, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—28.

NOES—None.

MOTION TO RECONSIDER.

Senator Bulla, in accordance with his notice given on yesterday, moved the reconsideration of the vote whereby the Senate refused to pass Senate Bill No. 33.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Bert, Boyce, Brauhnart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—33.

NOES—Senators Aram and Simpson—2.

THIRD READING OF SENATE BILLS.

Senate Bill No. 33—An Act for the certification of land titles and the simplification of the transfer of real estate.

Bill passed on file, but to retain its place.

Senate Bill No. 32—An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make and give to the Assessor a statement of his property.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 32, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Hall, Henderson, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—27.

NOES—Senators Dickinson and Withington—2.

Title read and approved.

Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889; and to amend also the amendment to Section 7 of said Act, approved March 31, 1891.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 13, have examined the same, and report that the object cannot be secured under existing laws, and contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: That the word "and" should be inserted in the title between the words "health" and "life insurance"; also, that the figure "3" in line 1, Section 1, should be stricken out; also, that the word "and" should be inserted in line 2 of Section 1, after the word "health"; also, that the figures "60," in line 14 of Section 1, should be stricken out; also, that the figure "4," in line 1 of Section 2, should be stricken out.

They therefore recommend that Senator Bert be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

During the third reading of bill, Senator Bert was appointed a special committee of one to amend as suggested by the Committee on Rules and Revision.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 13, with instructions to amend, respectfully reports the same back, amended as per instructions.

BERT, Committee.

Report of special committee of one and amendments adopted.

Senator Bert was again appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, lines 12 and 13, the words "shall be empowered to," and inserting in lieu thereof the words "may, if it see fit."
Also: Strike out of Section 1, line 14, the word "shall."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 13, with instructions to amend, respectfully reports the same back, amended as per instructions.

BERT, Committee.

Report of special committee of one and amendments adopted.

Bill read third time, and ordered to print and reëngrossment, but to retain its place on file.

Senate Bill No. 18—An Act authorizing the appointment of an interpreter of the Japanese language and dialects in criminal proceedings in counties, and cities and counties, of one hundred thousand inhabitants and over.

Senator Bert asked unanimous consent to withdraw the bill.

Consent granted.

Senate Bill No. 18 withdrawn, and ordered stricken from the file.

Senator Boyce asked unanimous consent to have substituted on file for Senate Bill No. 18, just withdrawn, Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and cities and counties, and providing for the duties and execution of the work of such specialist.

There being no objection, the substitution was ordered.

RESOLUTION—(OUT OF ORDER).

Senator Gleaves offered the following resolution:

Resolved, That the six Watchmen and the Mail Carrier of the Senate be and they are hereby allowed \$4 per day, from and after this date, to be paid out of the Contingent Fund of the Senate, and the Controller is hereby directed to pay the same.

Dated February 3, 1897.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

PETITION—(OUT OF ORDER).

Senator Voorheis presented the following petition, which was ordered printed in the Journal:

SACRAMENTO CHAMBER OF COMMERCE, }
SACRAMENTO, CAL., February 3, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: The Sacramento Chamber of Commerce is composed of two hundred members, each being a taxpayer, and representing, as a whole, the business interests of this city.

We are instructed to petition your honorable body in favor of the passage of a constitutional amendment which shall prescribe that three fourths of a trial jury may convict in criminal cases.

In our own county, within the past few years, there have been frequent second and third trials which were caused by the non-concurrence of one or two jurors. The unnecessary expense has been about \$17,000 in the past few years; but the most important fact is that notorious criminals have escaped conviction.

There is before the Senate a constitutional amendment covering this important matter. [Senate Constitutional Amendment No. 11.]

We earnestly pray that you will adopt it, so that the people may have an opportunity to vote on it at the next general election.

Very respectfully,

JOSEPH STEFFENS, President.

J. O. COLEMAN, Secretary.

FRANK MILLER,

Chairman of Committee on County and Municipal Affairs.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 289—An Act to change the name of the Industrial Home of Mechanical Trades for the Adult Blind of California to "Home for Adult Blind."

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 289, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 7, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senator Flint moved that Senator Aram be appointed a special committee of one to amend Senate Bill No. 7 as follows:

Amend Section 3, line 4, of printed bill, by striking out the word "four" and inserting the word "three."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 7, with instructions to amend, respectfully reports the same back, amended as per instructions.

ARAM, Committee.

Report of special committee of one and amendment adopted.

Bill read third time, and ordered to print and reëngrossment.

Senate Bill No. 128—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates or homestead or community property on owner's death, in certain cases.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 128, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 128 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, and Withington—33.

NOES—None.

Title read and approved.

Senate Bill No. 129—An Act to amend Section 164 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 129, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 129 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—33.

NOES—None.

Title read and approved.

Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 81, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 81 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

Title read and approved.

RECESS HOUR EXTENDED.

At eleven o'clock and fifty minutes A. M., Senator Dickinson moved that the hour for recess be extended this day indefinitely.

So ordered.

The President announced that the hour was about to arrive when the Senate should meet with the Assembly in joint convention, for the purpose of electing five Trustees of the State Library, in accordance with the provisions of Section 2292 of the Political Code.

The President announced that the Senators and officers of the Senate would, upon recess being declared, proceed in regular order to the Assembly Chamber, where the joint convention would be held.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President declared the Senate at recess until the joint convention to be held this day adjourned.

IN JOINT CONVENTION.

WEDNESDAY, February 3, 1897.

At the hour of twelve o'clock M., pursuant to the provisions of Senate Concurrent Resolution No. 1, heretofore adopted by both houses, and as provided in Section 2292 of the Political Code, the Senate and Assembly met in joint convention for the purpose of electing five Trustees of the State Library for the term of four years, commencing February 28, 1898.

Lieutenant-Governor William T. Jeter, President of the Senate, and Hon. Frank L. Coombs, Speaker of the Assembly, presiding.

By direction, the Secretary of the Senate called the roll of Senators, and the following answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, Withington, and Wolfe.

By direction, the Chief Clerk of the Assembly called the roll of Assemblymen, and the following answered to their names:

Messrs. Aldridge, Allen, Anderson, Arnerich, Austin, Belshaw, Bettman, Boone, Breiling, Bridgford, Burnett, Burnham, Caminetti, Canavan, Clarke, Cross, Cutter, Damon, Dennery, Dibble, Dolan, Dryden, Emmons, Ennis, Fontana, Foreman, Godfrey, Goff, Goodhue, Guy, Harris, Henry, Hill, Houghton, Hudson, Jones, Keables, Keegan, Kelly, Kenyon, Lacy, Landsborough, Leavitt, Mahoney, Malcolm, Mead, Melick, Mulcrevy, McCandlish, McClellan, McGrath, McLaurin, North of Alameda, North of Yolo, Pohlman, Power of Placer, Power of San Francisco, Price, Robinson, Rubell, Ryan, Sanford, Sims, Shanahan, Soward, Stansell, Strain, Toland, Treacy, Valentine, Vosburg, Waymire, and Mr. Speaker.

Quorum of both houses present.

ANNOUNCEMENT.

The President of the Senate announced that the first order of business would be the election of five Trustees of the State Library, and declared that nominations for such were in order.

NOMINATIONS.

The following nominations were then made:

By Mr. Belshaw:

J. H. Neff, of Placer County.
F. D. Ryan, of Sacramento County.
B. W. Lee, of Los Angeles County.
Dr. Thomas Flint, of San Benito County.
A. B. Lemmon, of Sonoma County.

By Senator Langford:

Dr. M. Gardner, of Sacramento County.
W. S. Green, of Colusa County.
E. E. Leake, of Yolo County.
J. V. Webster, of San Luis Obispo County.
J. L. Gilbert, of Fresno County.

On motion of Mr. Dibble, nominations were declared closed.

Senator Morehouse offered the following resolution, and moved its adoption:

Resolved, That when the roll is called on the election of Trustees for the State Library, each Senator and Assemblyman announce the names of five candidates as his choice for the office of Trustees of the State Library.

Resolution adopted.

The President of the Senate directed the Secretary of the Senate to call the roll of the Senators, who, upon their names being called, would each announce his choice for Trustees of the State Library.

The roll was called, with the following result:

For Ryan—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

For Lee—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

For Flint, Sr.—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

For Lemmon—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

For Neff—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

For Gardner—Senators Doty, Dwyer, Langford, La Rue, and Seawell.

For Green—Senators Langford, La Rue, Prisk, and Seawell.

For Leake—Senators Dwyer, Langford, La Rue, Prisk, and Seawell.

For Webster—Senators Doty, Langford, La Rue, Prisk, and Seawell.

For Gilbert—Senators Doty, Langford, La Rue, Prisk, and Seawell.

For J. H. Barry—Senator Braunhart.

For McNab—Senators Braunhart and Prisk.

For T. F. Barry—Senator Braunhart.

For Sutro—Senator Braunhart.

For Sullivan, Jr.—Senator Braunhart.

For Cravens—Senator Doty.

For La Rue—Senator Dwyer.

For Doty—Senator Dwyer.

For Toner—Senators Feeney, Hall, and Henderson.

For Dwyer—Senators Feeney, Hall, and Henderson.

For Hall—Senators Feeney, Henderson, and Toner.

For Henderson—Senators Dwyer, Feeney, Hall, and Toner.

For McEnerny—Senator Feeney.

For Langford—Senator Hall.

For Braunhart—Senator Henderson.

For Feeney—Senators Hall, Henderson, and Toner.

For Daggelt—Senator Toner.

Whole number of votes cast.....	37
Frank D. Ryan received.....	27 votes.
Bradner W. Lee received.....	26 votes.
Thomas Flint, Sr., received.....	26 votes.
A. B. Lemmon received.....	26 votes.
Jacob H. Neff received.....	26 votes.
M. Gardner received.....	5 votes.
W. S. Green received.....	4 votes.
E. E. Leake received.....	5 votes.
J. V. Webster received.....	5 votes.
J. L. Gilbert received.....	5 votes.
J. H. Barry received.....	1 vote.
Gavin McNab received.....	2 votes.
Thomas F. Barry received.....	1 vote.
Adolph Sutro received.....	1 vote.
W. P. Sullivan, Jr., received.....	1 vote.
R. O. Cravens received.....	1 vote.
C. L. La Rue received.....	1 vote.
Gillis Doty received.....	1 vote.
Hugh Toner received.....	3 votes.
L. J. Dwyer received.....	3 votes.
S. Hall received.....	3 votes.
P. L. Henderson received.....	4 votes.
G. McEnerny received.....	1 vote.
B. F. Langford received.....	1 vote.
Samuel Braunhart received.....	1 vote.
John Feeney received.....	3 votes.
John Daggett received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, who, upon their names being called, would each announce his choice for Trustees of the State Library.

The roll was called, with the following result:

For Neff—Messrs. Anderson, Arnerich, Austin, Belshaw, Bettman, Breiling, Burnham, Canavan, Clarke, Coombs, Cross, Cutter, Damon, Dennery, Dibble, Ennis, Fontana, Goff, Goodhue, Guy, Harris, Henry, Hill, Hudson, Jones, Keables, Kelly, Kenyon, Leavitt, Malcolm, Melick, North of Alameda, North of Yolo, Pohlman, Power of Placer, Price, Robinson, Sims, Soward, Stansell, Strain, Valentine, Vosburg, and Waymire.

For Ryan—Messrs. Anderson, Arnerich, Austin, Belshaw, Bettman, Breiling, Burnham, Caminetti, Canavan, Clarke, Coombs, Cross, Cutter, Damon, Dennery, Dibble, Ennis, Fontana, Goff, Goodhue, Guy, Harris, Henry, Hill, Hudson, Jones, Keables, Kelly, Kenyon, Leavitt, Malcolm, Melick, North of Alameda, North of Yolo, Pohlman, Power of Placer, Price, Robinson, Ryan, Sims, Soward, Stansell, Strain, Valentine, Vosburg, and Waymire.

For Lee—Messrs. Anderson, Arnerich, Austin, Belshaw, Bettman, Breiling, Burnham, Canavan, Clarke, Coombs, Cross, Cutter, Damon, Dennery, Dibble, Ennis, Fontana, Goff, Goodhue, Guy, Harris, Henry, Hill, Hudson, Jones, Keables, Kelly, Kenyon, Leavitt, Malcolm, Melick, North of Alameda, North of Yolo, Pohlman, Power of Placer, Price, Robinson, Sims, Soward, Stansell, Strain, Valentine, Vosburg, and Waymire.

For Flint, Sr.—Messrs. Anderson, Arnerich, Austin, Belshaw, Bettman, Breiling, Burnham, Canavan, Clarke, Coombs, Cross, Cutter, Damon, Dennery, Dibble, Ennis, Fontana, Goff, Goodhue, Guy, Harris, Henry, Hill, Hudson, Jones, Keables, Kelly, Kenyon, Leavitt, Malcolm, Melick, North of Alameda, North of Yolo, Pohlman, Power of Placer, Price, Robinson, Sims, Soward, Stansell, Strain, Valentine, Vosburg, and Waymire.

For Lemmon—Messrs. Anderson, Arnerich, Austin, Belshaw, Bettman, Breiling, Burnham, Canavan, Clarke, Coombs, Cross, Cutter, Damon, Dennery, Dibble, Ennis, Fontana, Goff, Goodhue, Guy, Harris, Henry, Hill, Hudson, Jones, Keables, Kelly, Kenyon, Leavitt, Malcolm, Melick, North of Alameda, North of Yolo, Pohlman, Power of Placer, Price, Robinson, Sims, Soward, Stansell, Strain, Valentine, Vosburg, and Waymire.

For Gardner—Messrs. Aldridge, Boone, Bridgford, Burnett, Caminetti, Dryden, Elliott, Emmons, Foreman, Houghton, Keegan, Landsborough, McLaurin, Rubell, Sanford, Shanahan, and Toland.

For Green—Messrs. Aldridge, Boone, Bridgford, Burnett, Caminetti, Dryden, Elliott, Emmons, Foreman, Houghton, Keegan, Landsborough, McLaurin, Rubell, Sanford, Shanahan, and Toland.

For Leake—Messrs. Aldridge, Allen, Boone, Bridgford, Burnett, Caminetti, Dolan, Dryden, Elliott, Emmons, Foreman, Gately, Houghton, Keegan, Lacy, Landsborough, McLaurin, Power of San Francisco, Rubell, Sanford, Shanahan, and Toland.

For Webster—Messrs. Aldridge, Boone, Bridgford, Burnett, Caminetti, Dolan, Dryden, Elliott, Emmons, Foreman, Houghton, Keegan, Landsborough, McLaurin, Rubell, Sanford, Shanahan, and Toland.

For Gilbert—Messrs. Aldridge, Boone, Bridgford, Burnett, Dryden, Elliott, Emmons, Foreman, Houghton, Keegan, Landsborough, Rubell, Sanford, Shanahan, and Toland.

For J. H. Barry—Messrs. Allen, Dolan, Gately, Lacy, Mahoney, Mulcrevy, McLaurin, Ryan, and Treacy.

For McNab—Messrs. Allen, Gately, and Lacy.

For Sullivan, Jr.—Messrs. Allen, Dolan, Gately, Lacy, Mahoney, Mulcrevy, Power of San Francisco, and Ryan.

For T. F. Barry—Messrs. Allen, Gately, Lacy, and Mahoney.

For Nolan—Messrs. Dolan, Mahoney, Mulcrevy, McGrath, Power of San Francisco, Ryan, and Treacy.

For Dryden—Mr. Godfrey.

For Caminetti—Messrs. Godfrey and Mahoney.

For Shanahan—Mr. Godfrey.

For Emmons—Mr. Godfrey.

For Mead—Mr. Godfrey.

For Nealon—Messrs. Mulcrevy, McGrath, Power of San Francisco, and Treacy.

For Salfield—Mr. McGrath.

For Gately—Mr. McGrath.

For Clunie—Mr. McGrath.

For Haskins—Mr. Ryan.

For Dwyer—Mr. Treacy.

For Leggett—Mr. Treacy.

For Daggett—Mr. Power of San Francisco.

Whole number of votes cast	72
Frank D. Ryan received	46 votes.
Bradner W. Lee received	44 votes.
Dr. Thomas Flint received	44 votes.
A. B. Lemmon received	44 votes.
Jacob H. Neff received	44 votes.
M. Gardner received	17 votes.
W. S. Green received	17 votes.
E. E. Leake received	22 votes.
J. V. Webster received	18 votes.
J. L. Gilbert received	15 votes.
J. H. Barry received	9 votes.
Gavin McNab received	3 votes.
Thomas F. Barry received	4 votes.
W. P. Sullivan, Jr., received	8 votes.
L. J. Dwyer received	1 vote.
John Daggett received	1 vote.
A. J. Clunie received	1 vote.
J. C. Nealon received	4 votes.
C. D. Salfield received	1 vote.
William Mead received	1 vote.
E. J. Emmons received	1 vote.
T. W. H. Shanahan received	1 vote.
A. Caminetti received	2 votes.
J. L. Dryden received	1 vote.
P. F. Nolan received	7 votes.
W. H. Gately received	1 vote.
Thomas H. Haskins received	1 vote.
Joseph Leggett received	1 vote.

SUMMARY.

Whole number of votes cast, 109; necessary to a choice, 55.

	S.	A.	Total.
Frank D. Ryan	27	46	73
Bradner W. Lee	26	44	70
Dr. Thomas Flint	26	44	70
A. B. Lemmon	26	44	70
Jacob H. Neff	26	44	70
M. Gardner	5	17	22
W. S. Green	4	17	21
E. E. Leake	5	22	27
J. V. Webster	5	18	23
J. L. Gilbert	5	15	20
J. H. Barry	1	9	10
Gavin McNab	2	3	5
Thomas F. Barry	1	4	5
Adolph Sutro	1	--	1
W. P. Sullivan, Jr.	1	8	9
R. O. Cravens	1	--	1
C. L. La Rue	1	--	1
Gillis Doty	1	--	1
Hugh Toner	3	--	3
L. J. Dwyer	3	1	4
S. Hall	3	--	3

	S.	A.	Total.
P. L. Henderson.....	4	-	4
G. McEnerney.....	1	--	1
B. F. Langford.....	1	--	1
John Feeney.....	3	--	3
Samuel Braunhart.....	1	--	1
John Daggett.....	1	1	2
A. J. Clunie.....	--	1	1
J. C. Nealon.....	--	4	4
C. D. Salfeld.....	--	1	1
William Mead.....	--	1	1
E. J. Emmons.....	--	1	1
T. W. H. Shanahan.....	--	1	1
A. Caminetti.....	--	2	2
J. L. Dryden.....	--	1	1
P. F. Nolan.....	--	7	7
W. H. Gately.....	--	1	1
Thomas H. Haskins.....	--	1	1
Joseph Leggett.....	--	1	1

The President of the Senate thereupon declared that J. H. Neff, F. D. Ryan, B. W. Lee, Dr. Thomas Flint, and A. B. Lemmon, having each received a majority of all the votes cast in joint convention, a majority of all the members elected to both houses being present and voting, were duly elected Trustees of the State Library, to serve for the term of four years, commencing with the expiration of the term ending February 28, 1898.

The President of the Senate directed the Secretary of the Senate to read the minutes of the joint convention.

APPROVAL OF MINUTES.

The minutes of the joint convention were read and approved.

ADJOURNMENT.

At one o'clock and twelve minutes p. m., the joint convention, on motion of Senator Prisk, stood adjourned.

IN SENATE.

At one o'clock and fifteen minutes p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Braunhart, Bulla, Denison, Doty, Dwyer, Franck, Gleaves, Hall, Henderson, Langford, Morehouse, Prisk, Shine, Shippee, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe.

Quorum present.

RECESS.

At one o'clock and eighteen minutes p. m., on motion of Senator Smith, the Senate was at recess until two o'clock and thirty minutes p. m.

RECONVENED.

At two o'clock and thirty minutes p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, CAL., February 3, 1897.

MR. PRESIDENT: Your sub-committees from the Senate Committees on Finance, Public Buildings other than Prison Buildings, Hospitals, and Commerce, Harbors, Rivers, and Coast Defenses, appointed to visit the State School at Whittier, the proposed site for a normal school in and adjacent to San Diego, the proposed location of State wharf at San Diego, the Southern California Asylum for the Insane at Highlands, and the State Normal School at Los Angeles, beg leave to report that they have performed their duties, and herewith return their statement of expenses:

Railroad fare, \$45 10 for each; meals, hotels, etc., \$20 each; making, for the thirteen members of the four committees, \$46 30. To which must be added \$17 80 for telegrams, typewriting, etc.: making a total of \$64 10 as their total expenditures on the trip.

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of E. S. Denison for the sum of \$64 10. Said warrant to be so drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is hereby directed to pay the same.

DENISON, Chairman Joint Sub-Committees.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

EXTENSION OF TIME FOR REPORT.

On motion of Senator Flint, the special committee on the sanitary condition of the Senate Chamber were given until March 1, 1897, in which to report.

PETITION—(OUT OF ORDER).

Senator Withington presented the following petition, which was ordered printed in the Journal:

To the honorable Legislature, and the Governor of the State of California:

Petition of the Boards of Aldermen and Delegates of the City of San Diego, in favor of the passage of the bill to establish a State Normal School in the County of San Diego.

WHEREAS, The members of the Boards of Aldermen and Delegates of the City of San Diego wish to express their interest in the bill now pending in each branch of the State Legislature for the establishment of a State Normal School in the county of San Diego; and

WHEREAS, Said bill is, we believe, in the line of sound public policy;

Now, therefore, we respectfully pray your honorable Legislature to pass said bill, and your Excellency the Governor to approve the same.

I hereby certify the above and foregoing to be a full, true, and correct copy of the petition of the Common Council of the City of San Diego, California, to the Legislature of said State, asking for the establishment of a State Normal School in the County of San Diego.

[SEAL]

GEO. D. GOLDMAN,
Clerk of the City of San Diego, and ex officio Clerk of the Common Council of the City of San Diego, State of California.

By H. W. VINCENT, Deputy.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Engrössment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to estab-

lish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

Also: Senate Bill No. 79—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Also: Senate Bill No. 108—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

Also: Senate Bill No. 150—An Act to amend Section 1323 of the Code of Civil Procedure of the State of California, relating to the probate of foreign wills.

Also: Senate Bill No. 191—An Act concerning champerty and maintenance, and to punish those guilty thereof.

Also: Senate Bill No. 198—An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California.

Also: Senate Bill No. 246—An Act to amend paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting firemen from jury duty.

Also: Senate Bill No. 255—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

Also: Senate Bill No. 452—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Also: Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

JONES, Chairman.

Senate Bills Nos. 15, 79, 108, 140, 150, 191, 198, 246, 255, 452, and 453 ordered on file for third reading.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 98—An Act to amend Section 1369 and Section 1379 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the competency and appointment of administrators of estates of deceased persons.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 98, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Assembly Bill No. 98 refused passage by the following vote:

AYES—Senators Androus, Braunhart, Bulla, La Rue, Luchsinger, Pedlar, Smith, Stratton, Voorheis, and Withington—10.

NOES—Senators Beard, Bert, Boyce, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, Mahoney, Morehouse, Shine, Simpson, Toner, Trout, and Wolfe—23.

LEAVE OF ABSENCE.

At three o'clock and thirty minutes P. M., on motion of Senator Smith, the members of the Committee on County Government and Township Organization were granted a leave of absence for the remainder of the day, on account of committee duty.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Prisk, Assembly messages were then taken up and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 3d day of February passed the following:

Assembly Bill No. 251—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Also: Assembly Bill No. 7—An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits.

Also: Assembly Bill No. 283—An Act to change and permanently locate the boundary line between the counties of Butte and Yuba.

Also: Assembly Bill No. 306—An Act to provide for the management and operation of railroads above certain elevations.

Also: Assembly Bill No. 286—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 3d day of February passed the following:

Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down and returning an exhibit of the products of the State of California at the Tennessee Centennial Exposition, to be held in Nashville in 1897, and to provide for a commission, secretary of commission, and for the pay of the secretary thereof.

Also: Senate Bill No. 266—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Also: Senate Bill No. 60—An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 251 read first time, and referred to the Committee on Education and Public Morals.

Assembly Bill No. 7 read first time, and referred to the Committee on Banks and Banking.

Assembly Bill No. 283 read first time, and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 306 read first time and, at the request of Senator Dickinson, ordered on file for second reading.

Assembly Bill No. 286 read first time, and referred to the Committee on State Prisons and Prison Buildings.

Senate Bills Nos. 138, 266, and 60 ordered to enrollment.

WITHDRAWAL OF BILLS.

Senator Pedlar asked unanimous consent to withdraw Senate Bill No. 576—An Act to prevent imposition and fraud by persons representing themselves to be members of lawful organizations, and to prevent the wearing of the badge or insignia of such lawful organizations, by persons not entitled to wear the same.

Consent granted.

Senate Bill No. 576 withdrawn, and ordered stricken from the file.

Senator Brauhart asked unanimous consent to withdraw Senate Bill No. 194—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Consent granted.

Senate Bill No. 194 withdrawn, and ordered stricken from the file.

Senator Wolfe asked unanimous consent to withdraw Senate Bill No. 349—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses and to compel attendance of witnesses before such boards.

Consent granted.

Senate Bill No. 349 withdrawn, and ordered stricken from the file.

Senator Wolfe asked unanimous consent to withdraw Senate Bill No. 350—An Act to confer further powers upon the Boards of Health of the municipalities and counties in this State.

Consent granted.

Senate Bill No. 350 withdrawn from the Committee on Judiciary, and ordered stricken from the file.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 253—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Bill read second time, and ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 104—An Act prohibiting ring-fights, prize-fights, glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Passed on file, but to retain its place.

ADJOURNMENT.

At three o'clock and forty-six minutes P. M., on motion of Senator Bert, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 4, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 2, 1897, was approved.

LEAVE OF ABSENCE.

Senator Withington was granted a leave of absence for the day, on motion of Senator Smith.

Senator Aram was granted a leave of absence for the day, on motion of Senator Flint.

COMMUNICATION.

The following communication was read, and ordered printed in the Journal:

HON. F. J. BRANDON, *Sacramento, Cal.:*

MY DEAR SIR: Pardon the delay, occasioned by my absence from the city, in acknowledging the beautiful memorial presented me by the State Senate of California.

Please convey to the Senate my heartfelt appreciation for the same.

I wish not only to thank the members of the Senate for the sentiment so kindly expressed in the resolution, but also for the design, which is so beautifully executed.

Very sincerely yours,

February 1, 1897.

MRS. SPENCER MILLARD,
1259 Ionia Street, Los Angeles, Cal.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

HEADQUARTERS OF THE SOCIETY OF CALIFORNIA VOLUNTEERS, }
SAN FRANCISCO, CAL., February 2, 1897.

Resolution adopted by the members of the Society of California Volunteers, at their regular quarterly meeting, held Monday evening, January 25, 1897.

WHEREAS, The Society of California Volunteers, at their regular quarterly meeting, held January 25, 1897, learn of a claim preferred by Captain José Ramon Pico, for compensation for money said by him to have been expended in the service of the Government during the late Civil War; be it

Resolved, That from an intimate knowledge which several of our members have of the services performed by Captain Pico, the Society of California Volunteers, by resolution, denounce the claim as an imposition on the State Government, and ask that all evidence and vouchers in support of the same be closely scrutinized, in the belief that they will prove to be without proper foundation.

Official copy of resolution.

JOHN C. INNES, Recording Secretary.

Resolution adopted by the Council of Associated Industries.

Resolved, That we look upon the State Mining Bureau as one of the important factors in the advancement of the mining industry of California, and urge upon our Legislature the necessity of providing for its continued proper maintenance and support. The reports and bulletins are not only directly useful to the miners of the State, but also serve a good purpose in attracting the attention of people of other States and countries to the advantages to be gained in following the business of mining in California; and also

Resolved, That it is urged upon the Legislature to furnish a suitable appropriation to continue the State Mining Bureau upon its present separate basis, and, instead of merging it into a consolidation of State bureaus with entirely different objects, as has been proposed, to keep it intact in its present condition, as it is the only bureau devoted to the mining industry of California, an industry contributing \$25,000,000 annually in all its branches.

C. L. BLETHEN, Acting Secretary.

Senator Bert presented the following petition, which was ordered printed in the Journal:

SAN FRANCISCO, CAL., January 28, 1897.

To the honorable the Senate and Assembly of the State of California, in Legislature assembled:

Your petitioners respectfully represent that they are the trustees of the James Lick Public Baths, which have been erected under and according to the terms of James Lick's trust deed, reciting as follows:

"Eleventh—And in further trust, to expend the sum of \$150,000, under direction of H. M. Newhall, Ira P. Rankin, Dr. J. D. B. Stilman, and John O. Earl, and the survivors of them, in the erection and maintaining in the City of San Francisco of free baths; the site or sites therefor to be acquired and held by the persons last named, and the survivors of them, in trust, to forever maintain such baths for the free use of the public, under proper and reasonable regulations; said baths to be erected as soon as practicable to raise the money, after the money has been provided to erect said telescope."

That the said baths form one of the benefactions of James Lick to the general public, for the use of the people.

That said baths have been constructed upon the lands located in the City and County of San Francisco, State of California, purchased at a cost of \$30,000 for this land, and \$80,000 for the improvements, and have been in operation for over six years last past.

It has been found necessary to make a small charge for baths, to obtain means to operate them, and the court has sustained such action as authorized under terms of trust deed, "as a proper and reasonable regulation."

At the same time, no one who is found unable to pay this small charge is denied the use of the baths.

That the trustees serve without compensation.

That the value of the original bequest of \$150,000 has been well and truly used in the establishment and operation of said baths, an assertion which stands confirmed by the recent approval of the accounts by the Superior Court.

The taxes upon the bath properties up to this time aggregated \$9,065 69—a very serious drain upon the bequests.

The baths cannot be maintained from the income if the taxes are added.

Over one hundred thousand baths per annum have been enjoyed by the people during the six years the baths have been in operation.

That, owing *principally* to the expense of taxation upon the property, the expenses of operating the baths for five years exceeded the income from all sources in the sum of \$20,534 31, and at this time the depletion still continues, although in a ratio reduced to about \$2,201 per annum, a process which, if not arrested, would ultimately exhaust the bequest.

Wherefore, your petitioners respectfully ask that the properties of the said the James Lick public baths be exempted from assessment for taxation henceforth.

The excellent results which popular patronage of the said baths has constantly shown justify the hope of favorable action at your hands.

And your petitioners will ever pray, etc.

JOHN O. EARL,
JAMES K. WILSON,
H. E. MATHEWS,
Trustees.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Senate Bill No. 541—An Act to amend an Act entitled "An Act concerning the waterfront of the City and County of San Francisco," approved March 15, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GLEAVES, Chairman.

Senate Bill No. 541 ordered on file for second reading.

ON FORESTRY, YOSEMITE VALLEY, MARIPOSA BIG TREES, AND FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game, to whom was referred Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Assembly Bill No. 451 ordered on special Assembly file for second reading.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 382—An Act to empower the legislative

body of any incorporated city or town within the State of California to levy taxes and expend the same in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees.

Also: Senate Bill No. 489—An Act to amend Section 3051 of the Civil Code, relative to sale of stock left in pasture or stables.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SHIPPEE, Chairman.

Senate Bills Nos. 382 and 489 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 524—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 362—An Act authorizing the Secretary of State to appoint an additional clerk in his office—have considered the same, and respectfully report, recommending that the accompanying substitute do pass.

Also: Senate Bill No. 60—An Act for the relief of district agricultural associations.

Also: Senate Bill No. 157—An Act to appropriate the sum of \$300, to pay the claim of A. L. Wood for the capture of Francisco Torres.

Also: Senate Bill No. 240—An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands.

Also: Senate Bill No. 121—An Act to pay the claim of George A. Sturtevant, for services rendered as District Attorney of Mendocino County in foreclosing certificates of purchase of State school lands, and appropriating money to pay the same.

Also: Senate Bill No. 476—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-eighth fiscal year.

Also: Senate Bill No. 477—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-seventh fiscal year.

Also: Senate Bill No. 478—An Act making an appropriation to pay the deficiency in the appropriation for office rent of Attorney-General in San Francisco for the forty-eighth fiscal year.

Also: Senate Bill No. 235—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker for arrest and conviction of Ed Ward.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 505—An Act to provide for the making of a certain map of the several counties of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on County Government and Township Organization.

Also: Senate Bill No. 214—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.

Also: Senate Bill No. 91—An Act making an appropriation for the relief of J. E. Atkinson, for injuries by him sustained while engaged in the service of the State at the Stockton Insane Asylum.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

Also: Senate Bill No. 224—An Act making an appropriation to pay the claim of William Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.

Also: Senate Bill No. 225—An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.

Also: Senate Bill No. 218—An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel McGuire for attempted highway robbery.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 524, 90, 157, 240, 121, 476, 477, 478, 235, 214, 91, 259, 224, 225, and 218 ordered on file for second reading.

Senate Bill No. 362 ordered on file for second reading, and the committee substitute therefor ordered printed.

Senate Bill No. 505 re-referred to the Committee on County Government and Township Organization.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 229—An Act making an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for Insane and Inebriates for the forty-seventh fiscal year.

Also: Senate Bill No. 230—An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1889, page 7.

Also: Senate Bill No. 237—An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations for the forty-sixth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Finance, as this committee believes they are not properly before it.

Also: Senate Bill No. 68—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Also: Senate Bill No. 215—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Also: Senate Bill No. 226—An Act making an appropriation to pay the claim of George E. Lawrence, for services rendered the State of California, at the funeral of the late Lieutenant-Governor Millard.

Also: Senate Bill No. 227—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard.

Also: Senate Bill No. 234—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for the payment of the claim of W. C. Conroy in conveying children to Whittier.

Also: Senate Bill No. 238—An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed upon the second-reading file.

Also: Senate Bill No. 228—An Act making an appropriation to pay the deficiency in the appropriation "to provide for the erection and operation of rock-crushing plants at the State prisons," etc.

Also: Senate Bill No. 232—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the forty-sixth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BULLA, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1897

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 208—An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BULLA, Chairman.

The undersigned members of the committee desire to file a minority report, and recommend that said bill do not pass.

LANGFORD.
BULLA.

Senate Bills Nos. 208, 228, 229, 230, 232, 237, 68, 215, 226, 227, 234, and 238 re-referred to the Committee on Finance.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contest of Thomas W. Chandler, contestant, vs. John Feeney, contestee, for a seat in the Senate from the Twenty-fifth Senatorial District, beg leave to report that we have had the same under consideration, and after an examination of the testimony, we find, and so report to the Senate, that the contestee is now entitled to the office and seat in the Senate, as member of the Senate from the Twenty-fifth Senatorial District of the State of California, and we recommend the adoption of the following resolution, to wit:

Resolved, That John Feeney is entitled, and he is hereby declared to be entitled, to the seat, and the right to hold office and seat of member of the Senate from and in and for the Twenty-fifth Senatorial District of the State of California, and that Thomas W. Chandler is not entitled to said seat or office.

STRATTON, Chairman.

The roll was called, and the foregoing report and resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—31.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contest of M. J. Welch, Jr., contestant, vs. Sidney Hall, contestee, for a seat in the Senate from the Twenty-third Senatorial District, beg leave to report that we have had the same under consideration, and after an examination of the testimony and counting of the ballots under instructions of the Senate, we find that the contestant received 1,628 legal ballots and votes, and that the contestee received 1,661 legal ballots and votes; and we therefore find, and so report to the Senate, that the contestee is now entitled to the office and seat in the Senate, as member of the Senate, from the Twenty-third Senatorial District of the State of California, and we recommend the adoption of the following resolution, to wit:

Resolved, That Sidney Hall is entitled, and he is hereby declared to be entitled, to the seat, and the right to hold office and seat of member of the Senate from and in and for the Twenty-third Senatorial District of the State of California, and that M. J. Welch, Jr., is not entitled to said seat or office.

STRATTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contest of John G. Tyrrell, contestant, vs. Sidney Hall, contestee, for a seat in the Senate from the Twenty-third Senatorial District, beg leave to report that we have had the same under consideration, and after an examination of the testimony and counting of the ballots under instructions of the Senate, we find that the contestant received 1,651 legal ballots and votes, and that the contestee received 1,661 legal ballots and votes; and we therefore find, and so report to the Senate, that the contestee is now entitled to the office and seat in the Senate as member of the Senate from the Twenty-third Senatorial District of the State of California, and we recommend the adoption of the following resolution, to wit:

Resolved, That Sidney Hall is entitled, and he is hereby declared to be entitled, to the seat, and the right to hold office and seat of member of the Senate from and in and for the Twenty-third Senatorial District of the State of California, and that John G. Tyrrell is not entitled to said seat or office.

STRATTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contest of D. J. McCarthy, contestant, vs. Sidney Hall, contestee, for a seat in the Senate from the Twenty-third Senatorial District, beg leave to report that we have had the same under consideration, and after an examination of the testimony and counting of the ballots under instructions of the Senate, we find that the contestant received 1,190 legal ballots and votes, and that the contestee received 1,661 legal ballots and votes; and we therefore find, and so report to the Senate, that the contestee is now entitled to the office and seat in the Senate, as member of the Senate from the Twenty-third Senatorial District of the State of California, and we recommend the adoption of the following resolution, to wit:

Resolved, That Sidney Hall is entitled, and he is hereby declared to be entitled, to the seat, and the right to hold office and seat of member of the Senate from and in and for the Twenty-third Senatorial District of the State of California, and that D. J. McCarthy is not entitled to said seat or office.

STRATTON, Chairman.

The roll was called, and the foregoing reports and resolutions adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—33.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON, Chairman.

Senate Bill No. 519 ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 196—An Act to amend Section 340 of the Penal Code of California, relating to pawnbrokers.

Also: Senate Bill No. 393—An Act to amend Sections 1817 and 1818 of the Political Code, relating to the public schools.

Also: Senate Bill No. 465—An Act to amend an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Also: Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Also: Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Also: Senate Bill No. 516—An Act to amend Section 1885 of the Political Code of the State of California, relating to form of bonds, when payable.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 391—An Act to prohibit the keeping, maintaining, and employing the device known as "nickel-in-the-slot machine," or other similar device or devices for the hazarding of any money, or for the disposal of, or promise to dispose of, any liquor, cigars, or other commodities, or any valuable article or thing of whatsoever nature—have had the same under consideration, and respectfully report the same back, and recommend that it be amended, and as amended it be considered by the Senate without recommendation from this committee.

Also: Senate Bill No. 470—An Act to amend Sections 1663, 1771, 1772, 1775, and 1854 of the Political Code of California, and to add a new section thereto, to be known as Section 1523, relating to the public schools—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that its author be requested to withdraw it.

Also: Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROYCE, Chairman.

Senate Bills Nos. 196, 393, 465, 467, 473, 516, 391, 470, and 407 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 484—An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence.

Also: Senate Bill No. 534—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in, any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Also: Senate Bill No. 535—An Act to add a new section to the Penal Code, to be designated as Section 354¾, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Also: Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 60 of said Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 365—An Act authorizing a party required to give a bond or

undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Also: Senate Bill No. 506—An Act to add a new section to the Civil Code, to be known as Section 2919 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds.

Also: Senate Bill No. 533—An Act authorizing municipal authorities to designate and set apart streets, and portions of streets, as boulevards, and restricting the power to grant franchises upon streets so designated and set apart.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 350—An Act to confer further powers upon the Boards of Health of the municipalities and counties in this State—have had the same under consideration, and respectfully report the same back, and recommend that the author be given leave to withdraw.

SIMPSON, Chairman.

Senate Bills Nos. 484, 534, 535, 446, 365, 506, 533, and 350 ordered on file for second reading.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 503—An Act to amend an Act entitled an Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act, approved March 25, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ANDROUS, Chairman.

Senate Bill No. 503 ordered on file for second reading.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 136—An Act to establish a uniform system of county and township governments—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SMITH, Chairman.

On motion of Senator Smith, the consideration of Senate Bill No. 136 was made a special order for Monday, February 8, 1897, immediately after the reports of standing committees.

LEAVE OF ABSENCE.

Senator Linder was granted a leave of absence for the day, on motion of Senator Smith.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the six Watchmen and the Mail Carrier of the Senate be and they are hereby allowed \$4 per day from and after this date, to be paid out of the Contingent Fund of the Senate, and the Controller is hereby directed to pay the same.

Dated February 3, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Report of committee adopted.

Also: The following resolution and report:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your sub-committees from the Senate Committees on Finance, Public Buildings other than Prison Buildings, Hospitals, and Commerce, Harbors, Rivers and Coast Defenses, appointed to visit the State School at Whittier, the proposed site for a Normal School in and adjacent to San Diego, the proposed location of State wharf at San Diego, the Southern California Asylum for the insane at Highlands, and the State Normal School at Los Angeles, beg leave to report that they have performed their duties, and herewith return their statement of expenses:

Railroad fare, \$45 10 for each; meals, hotels, etc., \$20 each; making, for the thirteen members of the four committees, \$846 30. To which must be added \$17 80 for telegrams, typewriting, etc., making a total of \$864 10 as their total expenditures on the trip.

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of E. S. Denison for the sum of \$864 10. Said warrant to be so drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is hereby directed to pay the same.

DENISON, Chairman Joint Sub-Committees.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Luch-singer, Mahoney, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Wolfe—28.

NOES—Senator Doty—1.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Joint Resolution No. 12—Have had same under consideration, and beg leave to report the same back, and recommend that it be adopted.

MOREHOUSE, Chairman.

Senate Joint Resolution No. 12 ordered on twelve-day file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin, to connect with a road called "Tioga Road," at or near the Tioga Mine—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARD, Chairman.

Senate Bill No. 542 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendments were introduced, read first time, and referred to committees, as indicated:

By Senator Bulla: Senate Bill No. 612—An Act to amend Section 7 of "An Act authorizing corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Referred to the Committee on Corporations.

By Senator Langford: Senate Bill No. 613—An Act to regulate the practice of architecture.

Referred to the Committee on Judiciary.

By Senator Jones: Senate Bill No. 614—An Act making an appro-

priation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Simpson: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to Section IV, Article XI. of the Constitution, in relation to establishing a system of county governments.

Referred to the Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to Section XII, Article XIII, of the Constitution, in relation to the providing for and the collection of an annual poll tax.

Referred to the Committee on Constitutional Amendments.

By Senator Stratton: Senate Bill No. 615—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof.

Referred to the Committee on Mines, Drainage, and Mining Debris.

By Senator Dickinson: Senate Bill No. 616—An Act to amend Section 726, and to repeal Section 729 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 617—An Act to amend Section 717 of the Civil Code of the State of California, relative to leases of lots.

Referred to the Committee on Judiciary.

By Senator Franck: Senate Bill No. 618—An Act to provide, establish, maintain, and locate, in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California, and heretofore used by the "California Home for the Care and Training of Feeble-Minded Children," near the Town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

Referred to the Committee on State Prisons and Prison Buildings.

RESOLUTION.

Senator Bert offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to pay the following bills, as per vouchers;

Resolved, That the Controller is hereby directed to draw a warrant for \$177 00, payable out of the fund for contingent expenses of the Senate, in favor of the Sergeant-at-Arms, in payment of said bills.

F. J. Brandon to Wells, Fargo & Co.'s Express, Dr.:

February 2—Paid to Hon. R. Cox, Washington, D. C.....	\$0 65	
Paid to Hon. A. McDowell, Washington, D. C.....	2 75	
		\$3 40

Bought of H. S. Crocker Co.:

February 1—1 Webster's International Indexed Dictionary.....	10 00
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Bought of Locke & Lavenson:

January 8—3 filters, @ \$22 50.....	67 50
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Bought of Union Ice Co.:

January 31—1,400 lbs. ice, @ 1c.....	14 00
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Bought of C. H. Rave:

January 25—15 new keys, \$4 87; and 1 new lock.....	\$6 12
10 new keys, \$3 75; 2 new locks, \$2 50.....	6 25
Picking and repairing 3 locks.....	1 00
5 desk keys.....	1 75
Repairing 3 locks.....	1 00
4 keys, \$1 50; repairing 1 lock, 50c.....	2 00
2 new locks for Secretary's desk.....	2 50
3 desk keys.....	1 00
3 door keys, room No. 55.....	1 50
12 drawer keys, room No. 55.....	4 55
4 door keys, room No. 56.....	2 00
6 drawer keys.....	2 10
5 desk keys, Sergeant-at-Arms' clerk.....	1 75
6 drawer keys.....	2 10
2 new locks for Clerk's desk.....	2 50
Repairing gate door.....	75
4 drawer keys, room No. 56.....	1 12
Repairing drawer lock.....	25
1 desk key, room No. 56.....	37
1 desk key, room No. 56.....	37
2 door keys for rooms Nos. 14 and 15.....	1 50
Picking desk lock.....	25
Repairing drawer lock and 1 key.....	75
1 desk key.....	37
3 door keys, room No. 17.....	1 50
Picking desk lock, and 1 key.....	75
3 door keys, room No. 17.....	1 50
2 door keys, room No. 56.....	1 00
1 door key, room No. 55.....	50
	<hr/> \$49 10

Mrs. Mary Wells:

January 28--To washing towels for Sergeant-at-Arms' office and gents' toilet, from January 4th to January 31st.....	12 50
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Bought of Tom Scott:

January 28—1 electric portable, complete, with shade, cord, plug, socket, and lamp.....	15 00
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Bought of H. S. Crocker Co.:

January 29—2 postal scales, @ \$2 75.....	5 50
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Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate.

Bill passed on file, but to retain its place.

Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889, and to amend also the amendment to Section 7 of said Act, approved March 31, 1891.

Bill passed on file, but to retain its place.

Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and cities and counties, and providing for the duties and execution of the work of such specialist.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 28, have examined the same, and report that the object cannot be secured under existing laws, and the same is correct in text and reference.

DICKINSON, for the Committee.

Bill passed on file, but to retain its place.

Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Bill passed on file, but to retain its place.

Senate Bill No. 104—An Act prohibiting ring-fights, prize-fights, glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 104, have examined the same, and report that the object cannot be secured under existing laws, and contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: That said bill should be in the form of an amendment to Sections 412 and 413 of the Penal Code.

They therefore recommend that Senator Mahoney be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

Senator Mahoney was appointed a special committee of one to amend as suggested by the Committee on Rules and Revision.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 104, with instructions to amend, respectfully reports the same back, amended as per instructions.

MAHONEY, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 106—An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches, and prize or ring fights.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 106, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed temporarily on file, but to retain its place.

Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools and employment of teachers of physical culture.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 176, and have examined the same, and report that the object cannot be secured under existing laws, and that the same is correct in text and reference. The bill would seem to be in conflict with Section 1617 of the Political Code, in providing for a different method of selection of the teacher named, and with other provisions of the Political Code, in providing that the payment of such salary need not be passed upon by the Board of Education or Trustees, and therefore, in our judgment, is unconstitutional.

WITHINGTON, for the Committee.

On motion of Senator Morehouse, Senator Franck was appointed a special committee of one to amend by striking out the words, on line 17, "except that the salary of such teacher must not be passed upon by the Board of Education or Board of Trustees of such city or city and county."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 176, with instructions to amend, respectfully reports the same back, amended as per instructions.

FRANCK, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 106—An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches and prize or ring fights.

The bill having been previously read a third time, the question was on its passage.

The roll was called, and Senate Bill No. 106 passed by the following vote:

AYES—Senators Androus, Beard, Bulla, Denison, Dickinson, Doty, Franck, Gleaves, Holloway, Jones, Langford, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, and Trout—23.

NOES—Senators Bert, Dwyer, Feeney, Henderson, Luchsinger, Toner, and Wolfe—7.

Title read and approved.

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Sixth and Seventh streets in said city.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 290, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

Senate Bill No. 195—An Act to regulate medical practice, to prevent blindness in infants.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 195, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and Senate Bill No. 195 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gallette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Smith, Stratton, Toner, Trout, and Wolfe—31.

NOES—Senator Simpson—1.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Braunhart, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 3d day of February, 1897, passed the following:

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Also: Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities.

Also: Assembly Bill No. 182—An Act to authorize any city or city and county of this State to take its census.

Also: Assembly Bill No. 70—An Act to amend Section 105 of the Code of Civil Procedure of the State of California, relating to the powers of Justices of the Peace to call in other Justices of the Peace to act in their place and stead.

Also: Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Bill No. 316 read first time, and referred to the San Francisco Delegation.

Senate Bill No. 9 ordered to enrollment.

Assembly Bill No. 182 read first time, and referred to the Committee on City, City and County, and Town Governments.

Assembly Bill No. 70 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 396 read first time, and referred to the Committee on Corporations.

MOTIONS.

Senator Bert moved that Assembly Bill No. 316 be placed on file without reference to committee.

So ordered.

On motion of Senator Dickinson, Assembly Bill No. 286—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—was ordered withdrawn from the Committee on State Prisons and Prison Buildings and placed on file for second reading.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 338—An Act to amend Sections 2292, 2293, 2294 of Chapter III, Title V, of the Political Code, relating to the State Library.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 338, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 338 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, and Trout—23.

NOES—Senators Braunhart, Doty, Dwyer, Feeney, Hall, Henderson, Prisk, Seawell, and Toner—9.

Title read and approved.

Senate Bill No. 131—An Act entitled "An Act to amend Section 3785 of the Political Code of the State of California, relating to the revenue and taxes of the State of California, and providing for the taking of tax deeds by the State, and fixing a limitation as to the time within which deeds may be taken by purchasers other than the State of California."

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 131, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 131 passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gileaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Voorheis—32.

NOES—None.

Title read and approved.

Senate Bill No. 132—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 132, and have examined the same, and report that the object can-

not be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No 132 passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis—33.

NOES—None.

Title read and approved.

Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 53, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No 53 passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Morehouse, Pedlar, Prisk, Shine, Shippee, Smith, Stratton, Toner, and Voorheis—26.

NOES—None.

Title read and approved.

Senate Bill No. 345—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 345, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 345 passed by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, and Voorheis—26.

NOES—None.

Title read and approved.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Joint Resolution No. 17, relative to the struggle of the Cuban people for free and independent government.

Also: Senate Joint Resolution No. 13, relative to increasing salaries of letter-carriers of the United States.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Assembly Joint Resolution No. 17 ordered on twelve-day file.

Senate Joint Resolution No. 13 ordered on twelve-day file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 327—An Act appropriating the sum of \$49,609 for a thorough system of ventilation for the Capitol building, and the remodeling and ventilation of the water-closets therein—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the special committee appointed to consider it.

VOORHEIS, Chairman.

Senate Bill No. 327 re-referred to the special committee heretofore appointed to report an improved method for heating and ventilating the Capitol building.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Simpson: Senate Bill No. 619—An Act providing for the maintenance and support of illegitimate children.

Referred to the Committee on Judiciary.

By Senator Voorheis: Senate Bill No. 620—An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

By Senator Stratton: Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Referred to the Committee on Judiciary.

By Senator Feeney: Senate Bill No. 622—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874.

Referred to the Committee on Judiciary.

By Senator Pedlar: Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 3009 and 3010 of the said Political Code, and by repealing Sections Nos. 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of the said Political Code, relating to the State quarantine service at San Francisco.

Referred to the Committee on Hospitals.

By Senator Dickinson: Senate Bill No. 624—An Act to amend Section 3571 of the Political Code, relating to the repayment of purchase price of land sold, which is not the property of the State, and providing for a certificate of restitution to issue when the certificate of purchase to such land has been annulled for non-payment of interest.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 625—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 218 thereof, relating to train-wrecking, and the punishment thereof.

Referred to the Committee on Judiciary.

By Senator Luchsinger: Senate Bill No. 626—An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Gleaves: Senate Bill No. 627—An Act to regulate the appointment of, and service as, members of certain commissions.

Referred to the Committee on Judiciary.

By Senator La Rue (by request): Senate Bill No. 628—An Act to promote the public health, and to prohibit acts prejudicial thereto, and to provide for the punishment thereof.

Referred to the Committee on Education and Public Morals.

Also (by request): Senate Bill No. 629—An Act to promote the public health, and to prohibit acts prejudicial thereto, and to provide for the punishment thereof.

Referred to the Committee on Education and Public Morals.

By Senator Androus: Senate Bill No. 630—An Act to create the office of Law Commissioner, to prescribe his powers and duties, to fix his compensation, to provide for the appointment of a secretary and clerk, and making an appropriation for the payment of the salaries of such commissioner, secretary, and clerk, and to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Referred to the Committee on Judiciary.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes p. m.)

THIRD READING OF BILL.

Assembly Bill No. 253—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 253, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Assembly Bill No. 253 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—34.
NOES—None.

Title read and approved.

WITHDRAWAL OF BILL.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 167—An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional Judge—it being identical with Assembly Bill No. 253, this day finally passed by the Senate.

Consent granted, and Senate Bill No. 167 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No. 412—An Act to amend Section 337 of the Code of Civil Procedure.

On motion of Senator Simpson, Assembly Bill No. 412 was refused a second reading.

Assembly Bill No. 414—An Act to amend Section 339 of the Code of Civil Procedure.

On motion of Senator Simpson, Assembly Bill No. 414 was refused a second reading.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

During the second reading of bill, Senator Bulla moved to amend, as follows:

Strike out all of Section 2.

Amendment adopted.

Also: Amend by numbering Section 3, Section 2.

Amendment adopted.

Senator Dickinson moved to amend by striking out of Section 1 all the words between the word "capacity" on line 3, and the word "is" on line 5.

On the adoption of the amendment, the ayes and noes were demanded by Senators Bert, Jones, and Bulla.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Androus, Beard, Boyce, Dickinson, Franck, Holloway, Jones, Langford, Luchsinger, Morehouse, Shippee, Smith, and Trout—13.

NOES—Senators Bert, Braunhart, Bulla, Doty, Dwyer, Feeney, Gillette, Hall, Henderson, La Rue, Prisk, Seawell, Shine, Simpson, Stratton, Toner, and Wolfe—17.

Bill read second time, and ordered to print.

Assembly Bill No. 164—An Act to amend Section 2181 of the Civil Code of California, relating to luggage.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 306—An Act to provide for the management and operation of railroads above certain elevations.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL OF BILLS.

Senator Prisk asked unanimous consent to withdraw Senate Bill No. 110—An Act to provide for the management and operation of railroads above certain elevations—it being identical with Assembly Bill No. 306, now on third reading in the Senate.

Consent granted.

Senate Bill No. 110 withdrawn, and ordered stricken from the file.

Senator Hall asked unanimous consent to withdraw Senate Bill No. 508—An Act to amend an Act entitled "An Act appropriating \$40,000 for the purpose of the establishment and management of the Industrial Home for Mechanical Trades for the Adult Blind of the State of California," approved March 5, 1885, and to prescribe the duties of the officers thereof, and of the State officers in reference thereto—now in committee.

Consent granted.

Senate Bill No. 508 ordered back from committee, and withdrawn.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 344—An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 344, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 344 passed by the following vote:

AYES—Senators Beard, Boyce, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—28.

NOES—None.

Title read and approved.

Senate Bill No. 34—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill passed on file, but to retain its place.

Senate Bill No. 152—An Act to amend Section 3555 of Article VI of the Political Code of the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 179—An Act to amend Section 581 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of civil actions.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 179, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 179 passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Wolfe—29.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

At three o'clock P. M., the Committee on Commerce, Harbors, Rivers, and Coast Defenses was, on motion of Senator Gleaves, granted a leave of absence for the remainder of the day.

RESOLUTION—(OUT OF ORDER).

By Senator Simpson:

Resolved, That Mary Dennis be and is hereby appointed Janitress of the gallery, at a per diem of \$4, the same to be paid out of the fund for the contingent expenses of the Senate.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Bill passed on file, but to retain its place.

Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill passed on file, but to retain its place.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read :

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 266—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America—and presented the same to the Governor on this day, at two o'clock and forty-five minutes P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz.:

Senate Bill No. 70—An Act to provide for the employment of citizens of the United States upon public works within this State.

Also: Senate Bill No. 62—An Act amending Section 3245 of the Political Code, relative to labor.

JONES, Chairman.

Senate Bills Nos. 70 and 62 ordered on file for third reading.

ADJOURNMENT.

At three o'clock and twelve minutes P. M., on motion of Senator Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, February 5, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 3, 1897, was approved.

LEAVE OF ABSENCE.

Senator Aram was granted a leave of absence for the day, on motion of Senator Flint.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Assembly Joint Resolution No. 14, relative to the publishing of monthly reports by the Secretary of Agriculture—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHIPPEE, Chairman.

Assembly Joint Resolution No. 14 ordered on twelve-day file.

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GLEAVES, Chairman.

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: A minority of your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating

to pilots, Pilot Commissioners, and pilotage—have had the same under consideration, and respectfully report the same back, and recommend that the substitute for said bill, herewith presented, do pass.

GLEAVES, Chairman.

Senate Bill No. 416 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 213—An Act making an appropriation to pay the claims of C. E. Cunningham and W. C. Rodgers, for services as elevator attendants, in the State Capitol building—have had the same under consideration. One of the claimants under this bill was employed by the State as an engineer, receiving a salary of \$125 a month, and the other was a porter, receiving \$90 a month from the State, when they performed the elevator service for which extra compensation is claimed. In view of these admitted facts, the committee respectfully report the bill back, and recommend that it do not pass.

Also: Senate Bill No. 271—An Act to appropriate the sum of \$295 85 to pay the claim of the Tribune Printing Company against the State.

Also: Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 465—An Act to amend an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895—have considered the same. The purpose of the bill is to increase the salary of the clerk in the office of Superintendent of Public Instruction from \$1200 to \$1600 per annum. The committee believe that the compensation now allowed by law is adequate, and therefore respectfully report, and recommend that the bill do not pass.

VOORHEIS, Chairman.

Senate Bills Nos. 213, 271, 347, and 465 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 464—An Act to amend Sections 1897, 1898, and 1900 of the Political Code of the State of California, relating to enrollment of persons subject to military duty—have had the same under consideration, and respectfully report that all the purposes of said bill can and will be accomplished by amending Senate Bill No. 422, No. 83 on file. We further recommend that the author of Senate Bill No. 464 withdraw the same.

Also: Assembly Bill No. 227—An Act making an appropriation to pay the expenses incurred by calling the National Guard into service, by order of the Governor, in 1894 and 1895—have had the same under consideration, and respectfully report the same back, as not properly before this committee, and ask to have same referred to Committee on Claims, Retrenchment, and Public Expenditures.

PEDLAR, Chairman.

Senate Bill No. 464 ordered on file for second reading.

Assembly Bill No. 227 re-referred to Committee on Claims, Retrenchment, and Public Expenditures.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 212—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Railroad Commissioners of the State of California.

Also: Senate Bill No. 316—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners.

Also: Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and

recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bills Nos. 212, 316, and 386 re-referred to the Committee on Finance.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance.

Also: Senate Bill No. 343—An Act to provide for certain improvements at the Preston School of Industry, and making an appropriation therefor.

Also: Senate Bill No. 398—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Also: Senate Bill No. 85—An Act making an appropriation for the erection of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 86—An Act making an appropriation for a system of storm drains and improvements of the grounds of the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity.

Also: Senate Bill No. 101—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam and other improvements by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor.

Also: Senate Bill No. 340—An Act to provide for the purchase of additional land for the Preston School of Industry, at Ione.

Also: Senate Bill No. 342—An Act to appropriate money for the erection of additional buildings at the Preston School of Industry, at Ione, and for furnishing and equipping the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DENISON, Chairman.

Senate Bills Nos. 89, 343, 398, 85, 86, 87, 101, 340, and 342 re-referred to the Committee on Finance.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 500—An Act to amend an Act entitled "An Act in relation to labor and material on public buildings in the State of California," approved April 4, 1870—have had the same under consideration, and beg leave to report back the same, and recommend that it do pass as amended.

MOREHOUSE, Chairman.

Senate Bill No. 500 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 80—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

Also: Senate Bill No. 352—An Act to amend Section 1881 of the Code of Civil Procedure of the State of California, relative to the examination of witnesses holding certain relations.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw both bills.

Also: Senate Bill No. 295—An Act to amend Section 270 of the Code of Civil Procedure, relative to the qualifications and competency of phonographic reporters of the courts of this State.

Also: Senate Bill No. 296—An Act to amend Section 170 of the Code of Civil Procedure, relative to the disqualification of Judges and Justices of the Peace.

Also: Senate Bill No. 297—An Act to amend the section referring to jurors' fees in

"An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 282—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgage of personal property.

Also: Senate Bill No. 331—An Act to amend Section 1042 of the Penal Code of the State of California, relating to jury trials in criminal cases.

Also: Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Also: Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 28, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 80, 352, 295, 296, 297, 282, 331, and 372, and Assembly Bills Nos. 41, 12, and 11 ordered on file for second reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 312—An Act to provide for the payment of interest at the statutory rate to every bona fide owner and holder of any unlocated or uncanceled school-land warrant issued under the Act of the State of California, approved May 3, 1852.

Also: Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 180, relating to the acceptance and holding of private deposits of money or other valuables in the county treasury by the County Treasurers.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Judiciary.

FRANCK, Chairman.

Senate Bill No. 312 and Assembly Bill No. 173 re-referred to the Committee on Judiciary.

RE-REFERENCE OF BILL.

On motion of Senator Bulla, Senate Bill No. 214 was re-referred to the Committee on Claims, Retrenchment, and Public Expenditures.

WITHDRAWAL OF BILLS.

Senator Jones asked unanimous consent of the Senate to withdraw Senate Bill No. 80—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

Consent granted.

Also: Senate Bill No. 84—An Act making an appropriation for furnishing a central building for the Southern California State Asylum for the Insane and Inebriates.

Consent granted.

Also: Senate Bill No. 86—An Act making an appropriation for a system of storm drains and improvements of the grounds of the Southern California State Asylum for the Insane and Inebriates.

Consent granted.

Also: Senate Bill No. 88—An Act making an appropriation for the erection of a central building for the Southern California State Asylum for the Insane and Inebriates.

Consent granted.

Senate Bills Nos. 80, 84, 86, and 88 withdrawn, and ordered stricken from the file.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 352—An Act to amend Section 1881 of the Code of Civil Procedure of the State of California, relative to the examination of witnesses holding certain relations.

Consent granted.

Senate Bill No. 352 withdrawn, and ordered stricken from the file.

Senator Boyce asked unanimous consent of the Senate to withdraw Senate Bill No. 470—An Act to amend Sections 1663, 1771, 1772, 1775, and 1858 of the Political Code of California, and to add a new section thereto, to be known as Section 1523, relating to the public schools.

Consent granted.

Senate Bill No. 470 withdrawn, and ordered stricken from the file.

NOTICE OF MOTION TO AMEND RULES.

Senator Seawell gave notice that he would, on Saturday, February 6, 1897, move to amend the Standing Rules of the Senate, so that no Senator will be permitted to withdraw a bill without stating his reason therefor.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 510—An Act empowering the Board of Supervisors in each county of this State to correct any error made on the assessment of any property.

Also: Senate Bill No. 511—An Act to amend Section 4161 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to County Treasurer loaning public money or making general deposits.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on County Government and Township Organization.

GILLETTE, Chairman.

Senate Bills Nos. 510 and 511 re-referred to the Committee on County Government and Township Organization.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That Mary Dennis be and is hereby appointed Janitress of the gallery, at a per diem of \$4, the same to be paid out of the fund for the contingent expenses of the Senate.

Have had the same under consideration, and the majority of said committee respectfully report the same back, and recommend that it be adopted, with the following amendment: Striking out "per diem of \$4," and substituting therefor "per diem of \$3."

TROUT,
HALL,
FEENEY,
Committee.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That Mary Dennis be and is hereby appointed Janitress of the gallery, at a per diem of \$4, the same to be paid out of the fund for the contingent expenses of the Senate.

Have had the same under consideration, and the minority of said committee respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

Senator Dickinson moved the adoption of the minority report.

The roll was called, and the minority report adopted by the following vote:

AYES—Senators Beard, Bert, Bulla, Chapman, Dickinson, Flint, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Voorheis, and Withington—23.

NOES—Senators Doty, Dwyer, Feeney, Franck, Hall, Simpson, Trout, and Wolfe—8.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 4th day of February, passed the following:

Assembly Bill No. 170—An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.

Also: Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 170 read first time, and referred to the Committee on Elections.

Senate Bill No. 107 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS AND CONSTITUTIONAL AMENDMENTS.

The following bills and constitutional amendments were introduced, read first time, and referred to committees, as indicated:

By Senator Chapman: Senate Bill No. 631—An Act to add three new sections to "An Act to establish a Penal Code," approved February 14, 1872, to be numbered 627c, 627f, and 627g, relating to wild birds.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

By Senator Dwyer: Senate Bill No. 632—An Act to provide for the examination of scaffolding, ropes, blocks, pulleys, and tackle used in the construction, repairing, or painting of buildings, and providing for the inspection thereof.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Prisk: Senate Bill No. 633—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893.

Referred to the Committee on Corporations.

Also: Senate Bill No. 634—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments, and validating records heretofore made.

Referred to the Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 635—An Act to amend Section 53 of the Code of Civil Procedure of the State of California.

Referred to the Committee on Judiciary.

By Senator Stratton: Senate Constitutional Amendment No. 26—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judicial department.

Referred to the Committee on Constitutional Amendments.

By Senator Toner: Senate Bill No. 636—An Act to amend Sections 3840, 3845, 3846, 3851, 3853, 3854, 3857, 3858, and 3862 of the Political Code of the State of California, relating to poll tax and the collection thereof.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 637—An Act to provide for the formation, organization, and classification of new counties, for location of the county seats thereof, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Referred to the Committee on Counties and County Boundaries.

By Senator Jones: Senate Bill No. 638—An Act to amend Section 10 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, and as amended by an Act approved January 25, 1895, which said Section 10 relates to and defines the basis of computation for classifying the several counties of the State, according to population, and classifying the said counties, and to amend Section 162 thereof, relating to the classification of counties, and to insert a new section therein, to be numbered 173½, creating a class of counties of the eleventh-and-one-half class, relating to the government of counties.

Referred to the Committee on County Government and Township Organization.

By Senator Simpson: Senate Bill No. 639—An Act to amend Section 540 of the Code of Civil Procedure, relating to the issuance and form of writs of attachment in civil actions.

Referred to the Committee on Judiciary.

By Senator Smith: Senate Bill No. 640—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor.

Referred to the Committee on Finance.

By Senator Trout: Senate Bill No. 641—An Act to amend Section 1770 of the Political Code, relating to County Boards of Education and their compensation.

Referred to the Committee on Education and Public Morals.

By Senator Prisk: Senate Constitutional Amendment No. 27—Proposing an amendment to Section 9, Article I, relating to declaration of rights.

Referred to the Committee on Constitutional Amendments.

INTRODUCTION OF SUBSTITUTE BILL.

Senator Langford offered the following, and asked that it be referred to the Committee on Judiciary:

Substitute for Senate Bill No. 312—An Act to provide for the payment of interest at the statutory rate to certain bona fide owners and holders of any unlocated or uncanceled school-land warrants issued under the Act of the State of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and to each and every of such persons having owned and canceled any such warrant or warrants under the Act of March 23, 1893.

Referred to the Committee on Judiciary.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 362—An Act authorizing the Secretary of State to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as Janitor's Clerk, who shall keep the accounts of the supply department, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

During the second reading of the bill, the following substitute for the bill was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 362.

An Act authorizing the Secretary of State to appoint a clerk, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.
The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Secretary of State is hereby authorized to appoint a clerk to the State Janitor, to be known as Janitor's Clerk, who shall keep the accounts of the supply department. The salary of said clerk shall not exceed the sum of twelve hundred dollars per year.

SEC. 2. There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, the sum of two hundred dollars, to pay the salary of said clerk for the remainder of the forty-eighth fiscal year.

SEC. 3. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 33—An Act for the certification of land titles and the simplification of the transfer of real estate.

The bill having been read the third time on a previous day, the question was upon its passage.

The roll was called, and the bill passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Franck, Jones, Langford, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Voorheis, Withington, and Wolfe—25.

NOES—Senators Bert, Dickinson, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Simpson, Toner, and Trout—13.

Title read and approved.

Senate Bill No. 70—An Act to provide for the employment of citizens of the United States upon public works within this State.

The bill having been read the third time on a previous day, the question was upon its passage.

The roll was called, and the bill passed by the following vote:

AYES—Senators Androus, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—Senators Holloway and Langford—2.

Title read and approved.

Senate Bill No. 62—An Act amending Section 3245 of the Political Code, relating to labor.

The bill having been read the third time on a previous day, the question was upon its passage.

The roll was called, and the bill passed by the following vote:

AYES—Senators Androus, Bert, Boyce, Braunhart, Chapman, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Wolfe—24.

NOES—Senators Holloway, Jones, Langford, La Rue, Pedlar, and Shippee—6.

Title read and approved.

Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889; and to amend also the amendment to Section 7 of said Act, approved March 31, 1891.

Bill passed on file, but to retain its place.

Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and cities and counties, and providing for the duties and execution of the work of such specialist.

The bill having been read the third time on a previous day, the question was upon its passage.

The roll was called, and the bill passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Wolfe—30.

NOES—Senator Gillette—1.

Title read and approved.

LEAVE OF ABSENCE.

Senator Withington was granted a leave of absence for the day, on account of illness, on motion of Senator Gleaves.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Bill passed on file, but to retain its place.

Senate Bill No. 104—An Act prohibiting ring-fights, prize-fights,

glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools and employment of teachers of physical culture.

Bill passed on file, but to retain its place.

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Sixth and Seventh streets in said city.

The bill having been read the third time on a previous day, the question was upon its passage.

Senator Morehouse moved that Senator Franck be appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 1, line 9, the words "Sixth and Seventh," and inserting the following: "Fifth and Sixth," in lieu thereof.

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 290, with instructions to amend, respectfully reports the same back, amended as per instructions.

FRANCK, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 34—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill passed on file, but to retain its place.

Senate Bill No. 152—An Act to amend Section 3555 of Article VI of the Political Code of the State of California.

Bill passed on file, but to retain its place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 523—An Act to appropriate money for the support of orphans, half orphans, abandoned children, foundlings, and other abandoned infants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 504—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and

the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ARAM, Chairman.

Senate Bills Nos. 523 and 504 re-referred to the Committee on Finance.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Bill passed on file, but to retain its place.

Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 268, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 268 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 269—An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 269, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 269 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—35.

NOES—None.

Title read and approved.

Senate Bill No. 270—An Act to amend an Act entitled “An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days,” approved March 23, 1893, relating to legal holidays.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 270, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 270 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—35.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee, the San Francisco Delegation, to whom was referred Senate Bill No. 162—An Act to regulate the salaries of certain officers in the police department of municipal corporations of the first class, and to provide for the appointment and salaries of other officers of such department—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 306—An Act prohibiting the burial of the dead within the corporate limits of any incorporated city, or city and county, of over one hundred thousand inhabitants, from and after the first day of January, A. D. 1900—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bills Nos. 162, 306, and 507 ordered on file for second reading.

RECESS.

The hour of twelve o'clock and thirty minutes p. m. having arrived, the President pro tem. declared a recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones,

La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe.

Quorum present.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 164—An Act to amend Section 2181 of the Civil Code of California, relating to luggage.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 164, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Assembly Bill No. 164 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Brauhart, Bulla, Chapman, Doty, Franck, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Voorheis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 306—An Act to provide for the management and operation of railroads above certain elevations.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 306, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Assembly Bill No. 306 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Denison, Dickinson, Doty, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Trout, and Voorheis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

During the second reading of bill, the following amendment was submitted by Senator La Rue:

Amend by striking out of Section 1, line 9, the word "May," and inserting the following: "April."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 286—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Bill read second time, and ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 72—An Act to provide for the remission of costs in Justices' Courts in actions to recover for personal services.

Bill passed on file, but to retain its place.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Bill passed on file, but to retain its place.

Senate Bill No. 174—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1430½, relating to trials without a jury in Justices' Courts.

Bill passed on file, but to retain its place.

WITHDRAWAL OF BILL.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 192—An Act to amend Sections 1444 and 1445 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons. Consent granted.

Senate Bill No. 192 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 145—An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects, and reversals of judgments and orders.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 145, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 145 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Doty, Dwyer, Feeney, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Shippee, Smith, Stratton, Trout, and Wolfe—24.

NOES—Senators Dickinson, Seawell, and Simpson—3.

Title read and approved.

Senate Bill No. 310—An Act for the protection of the Antwerp messenger, or homing pigeon.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 310, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 310 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shippee, Smith, Stratton, Trout, Voorheis, and Wolfe—27.

NOES—None.

Title read and approved.

Senate Bill No. 178—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as Section 1234.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 178, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 178 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, and Wolfe—22.

NOES—None.

Title read and approved.

Senate Bill No. 275—An Act to amend Section 388, Civil Code of the State of California, relative to the sale of a franchise to collect tolls.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 275, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 275 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Hall, Henderson, Jones, Linder, Luchsinger, Seawell, Shippee, Simpson, Trout, Voorheis, and Wolfe—22.

NOES—None.

Title read and approved.

Senate Bill No. 276—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.
Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 276, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 276 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, and Wolfe—80.

NOES—None.

Title read and approved.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 190—An Act to amend Section 1727 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to Public Administrators.

Consent granted.

Senate Bill No. 190 withdrawn, and ordered stricken from the file.

LEAVE OF ABSENCE.

At three o'clock and fifteen minutes P. M., Senator Bert was granted a leave of absence for the remainder of the day.

Senators Dwyer, Hall, Denison, and Pedlar were granted a leave of absence until Monday next.

On motion of Senator Voorheis, the sub-committee consisting of Senators Gleaves, Luchsinger, Doty, Toner, and Voorheis, members of the Finance, and State Prison and Prison Buildings committees, were granted a leave of absence until Monday next, in order to officially visit the State building at Ione.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed, viz: Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889, and to amend also the amendment to Section 7 of said Act, approved March 31, 1891.

Also: Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

JONES, Chairman.

Senate Bills Nos. 13 and 7 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bills as follows, viz:

Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting,

preparing, forwarding, installing, and maintaining, taking down and returning an exhibit of the products of the State of California, at the Tennessee Centennial Exposition, to be held in Nashville in 1897.

Also: Senate Bill No. 60—An Act conferring power upon the governing body of cities of the first class, to provide for the erection of a municipal hospital, and to levy a tax therefor.

And presented the same to the Governor on this day, at eleven o'clock and fifty-five minutes A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Joint Resolution No. 8, with the exception of the signature of the Governor's Private Secretary, Mr. E. D. McCabe, who refused to sign for the reason that the Governor, James H. Budd, contends that no official communication can be had between the Secretary of the Senate and our Representatives in Congress.

Said resolution was presented to the private secretary of the Governor this day at eleven o'clock and fifty-five minutes A. M., by the Enrolling Clerk of the Senate.

JONES, Chairman.

The last report was referred to the Committee on Executive Communications and Nominations for consideration and report.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 334—An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 334, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 334 passed by the following vote:

AYES—Senators Androus, Beard, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Wolfe—27.

NOES—None.

Title read and approved.

Senate Bill No. 158—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885.

Bill passed on file, but to retain its place.

Senate Bill No. 189—An Act to amend Sections 566 and 641 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 189, and have examined the same, and report that the object can-

not be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Doty, Dwyer, Flint, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Luchsinger, Mahoney, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Wolfe—23.

NOES—None.

Title read and approved.

Senate Substitute for Senate Bill No. 186—An Act authorizing and empowering the Board of State Harbor Commissioners to grant, exchange, or transfer certain property east of the westerly line of East Street, as delineated and located upon the ground, between Clay Street and Market Street, in the City and County of San Francisco, to or with the owner or owners of certain property on the triangular corner common to Market, Sacramento, and East streets.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Substitute for Senate Bill No. 186, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Substitute for Senate Bill No. 186 passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 369—An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 369, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 369 passed by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Wolfe—28.

NOES—None.

Title read and approved.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Morehouse: Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Referred to the Committee on Finance.

By Senator La Rue: Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Referred to the Committee on Finance.

By Senator Shippee: Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Referred to the Committee on Finance.

By Senator Flint: Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Referred to the Committee on Finance.

ADJOURNMENT.

At three o'clock and forty-six minutes P. M., on motion of Senator Bulla, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 6, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 4, 1897, was approved.

LEAVE OF ABSENCE.

Senator Bert was granted a leave of absence for the day, on motion of Senator Gillette.

Senator Aram was granted a leave of absence for the day, on account of illness.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 583—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, and to appoint a secretary therefor, to relieve said court from the overburdened condition of its calendar, and to provide for the compensation of said commissioners and secretary, and to appropriate money therefor.

Also: Senate Bill No. 293—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Also: Senate Bill No. 537—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 536—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Also: Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 40—An Act to regulate the practice of architecture—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 183—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

MOTION.

Senator Simpson moved that the consideration of Senate Bill No. 583 be made a special order for Tuesday, February 9, 1897, immediately after approval of Journal.

So ordered.

Senate Bills Nos. 293, 537, 536, 183, 193, and 40 ordered on file for second reading.

COMMUNICATION.

Senator Simpson presented the following statement from the Secretary of the Supreme Court Commissioners, which was ordered printed in the Journal:

Detailed statement of the business of the Supreme Court of California from January 1, 1889, to December 31, 1896, showing the number of causes filed and the number decided during said period, also the work of the Commissioners of said Court from their appointment, May 12, 1885, to December 31, 1896.

Compiled from official records by D. B. Woolf, Secretary Supreme Court Commissioners.

CAUSES FILED—1889.

Transcripts, civil	558
Original proceedings, civil	44
Clerk's certificates on motions to dismiss appeals	43
Transcripts, criminal	66
Habeas corpus writs	57
Prohibition, criminal	1
Disbarment proceedings	2
Application for certificate of probable cause	1

Total causes filed, 1889..... 772

JUDGMENTS RENDERED—1889.

Affirmed	388
Reversed	219
Modified	8
Appeals dismissed	130
Original proceedings and habeas corpus writs decided	44
Total causes decided, 1889	789
Rehearings granted	52
Rehearings denied	196
Total applications for rehearing acted on, 1889	248

CAUSES FILED—1890.

Transcripts, civil	524
Original writs, civil	51
Clerk's certificates on motion to dismiss	42
Transcripts, criminal	74
Habeas corpus writs	77
Disbarment proceedings	1
Total causes filed, 1890	769

JUDGMENTS RENDERED—1890.

Affirmed	362
Reversed	199
Modified	8
Appeals dismissed	107
Original proceedings and habeas corpus writs decided	85
Total causes decided, 1890	761
Rehearings granted	46
Rehearings denied	163
Total applications for rehearing, 1890	209

CAUSES FILED—1891.

Transcripts, civil	569
Original writs, civil	58
Clerk's certificates on motion to dismiss	57
Transcripts, criminal	60
Habeas corpus writs	57
Application for certificate of probable cause	2
Motion to dismiss appeal, criminal	1
Causes filed, 1891	804

JUDGMENTS RENDERED—1891.

Affirmed	411
Reversed	234
Modified	21
Appeals dismissed	128
Original proceedings and habeas corpus writs decided	72
Total causes decided, 1891	866
Rehearings granted	33
Rehearings denied	192
Total applications for rehearing, 1891	225

CAUSES FILED—1892.

Transcripts, civil, San Francisco	262
Transcripts, civil, Sacramento	149
Transcripts, civil, Los Angeles	192
Original writs, San Francisco	50
Original writs, Sacramento	2
Original writs, Los Angeles	7
Clerk's certificates, San Francisco	49
Clerk's certificates, Sacramento	11
Clerk's certificates, Los Angeles	18
Transcripts, criminal	47
Habeas corpus writs	26
Total causes filed, 1892	813

JUDGMENTS RENDERED—1892.

Affirmed	390
Reversed	189
Modified	16
Appeals dismissed	142
Original writs and habeas corpus proceedings decided	96
Total causes decided, 1892	833
Rehearings granted	19
Rehearings denied	165
Total applications for rehearing, 1892	184

CAUSES FILED—1893.

Transcripts, civil, San Francisco district	257
Transcripts, civil, Sacramento district	140
Transcripts, civil, Los Angeles district	185
Original writs, San Francisco district	46
Original writs, Sacramento district	1
Original writs, Los Angeles district	4
Clerk's certificates, San Francisco district	31
Clerk's certificates, Sacramento district	4
Clerk's certificates, Los Angeles district	9
Transcripts, criminal	70
Habeas corpus writs	22
Application for probable cause	1
Disbarment proceedings	1
Total causes filed, 1893	771

JUDGMENTS RENDERED—1893.

Affirmed	419
Reversed	234
Modified	23
Appeals dismissed	104
Original proceedings and habeas corpus writs decided	103
Total causes decided, 1893	883
Rehearings granted	18
Rehearings denied	191
Total applications for rehearing, 1893	209

CAUSES FILED—1894.

Transcripts, civil, San Francisco district	299
Transcripts, civil, Sacramento district	139
Transcripts, civil, Los Angeles district	166
Original writs, San Francisco district	65
Original writs, Sacramento district	1
Original writs, Los Angeles district	1
Clerk's certificates, San Francisco district	48
Clerk's certificates, Sacramento district	2
Clerk's certificates, Los Angeles district	7
Transcripts, criminal	80
Habeas corpus writs	37
Disbarment proceedings	3
Application for certificate of probable cause	1
Contempt proceedings	1
Total causes filed, 1894	850

JUDGMENTS RENDERED—1894.

Affirmed	489
Reversed	201
Modified	32
Appeals dismissed	77
Original proceedings and habeas corpus writs decided	173
Total causes decided, 1894	972
Rehearings granted	24
Rehearings denied	177
Total applications for rehearing, 1894	201

CAUSES FILED—1895.

Transcripts, civil, San Francisco district	264
Transcripts, civil, Sacramento district	166
Transcripts, civil, Los Angeles district	155
Original writs, San Francisco district	69
Original writs, Sacramento district	1
Original writs, Los Angeles district	8
Clerk's certificates, San Francisco district	77
Clerk's certificates, Sacramento district	11
Clerk's certificates, Los Angeles district	7
Transcripts, criminal	72
Habeas corpus writs	45
Motion to dismiss, criminal	1
Writs of mandate, criminal	3
Writs for stay of execution	3
Application for certificate of probable cause	1
Writ of prohibition, criminal	1
Disbarment proceedings	2
Petitions to be admitted to bail	2
Total causes filed, 1895	858

JUDGMENTS RENDERED—1895.

Affirmed	390
Reversed	208
Modified	52
Appeals dismissed	131
Original proceedings and habeas corpus writs decided	179
Total causes decided, 1895	960
Rehearings granted	37
Rehearings denied	185
Total applications for rehearing, 1895	222

CAUSES FILED—1896.

Transcripts, civil, San Francisco district	280
Transcripts, civil, Sacramento district	163
Transcripts, civil, Los Angeles district	166
Original writs, San Francisco district	70
Original writs, Sacramento district	2
Original writs, Los Angeles district	2
Clerk's certificates, San Francisco district	79
Clerk's certificates, Sacramento district	4
Clerk's certificates, Los Angeles district	17
Transcripts, criminal	87
Habeas corpus writs	33
Motion to dismiss, criminal	1
Writ of mandate	1
Application for stay of judgment	1
Application for certificate of probable cause	1
Disbarment proceeding	1
Total causes filed, 1896	908

JUDGMENTS RENDERED—1896.

Affirmed	375
Reversed	184
Modified	31
Appeals dismissed	149
Original proceedings and habeas corpus writs decided	140
Total causes decided, 1896	879
Rehearings granted	26
Rehearings denied	192
Total applications for rehearing, 1896	218

RECAPITULATION.

Causes filed, 1889	772
Causes filed, 1890	769
Causes filed, 1891	804
Causes filed, 1892	813
Causes filed, 1893	771
Causes filed, 1894	850
Causes filed, 1895	888
Causes filed, 1896	908
Total filings in eight years	6,575
Judgments rendered, 1889	789
Judgments rendered, 1890	761
Judgments rendered, 1891	866
Judgments rendered, 1892	833
Judgments rendered, 1893	883
Judgments rendered, 1894	972
Judgments rendered, 1895	960
Judgments rendered, 1896	879
Total judgments in eight years	6,943
Petitions for rehearing, 1889	248
Petitions for rehearing, 1890	209
Petitions for rehearing, 1891	225
Petitions for rehearing, 1892	184
Petitions for rehearing, 1893	209
Petitions for rehearing, 1894	201
Petitions for rehearing, 1895	222
Petitions for rehearing, 1896	218
Total petitions for rehearing decided	1,716
Number of opinions written by the Commissioners of the Supreme Court, from their appointment to December 31, 1896:	
<i>First term, of three Commissioners.</i>	
1885 (from July)	168
1886	241
1887	219
1888	254
1889 (to May)	108
Total, first term	990
<i>Second term, five Commissioners.</i>	
1889 (from May)	164
1890	285
1891	298
1892	290
1893 (to May)	120
Total, second term	1,157
<i>Third term, five Commissioners.</i>	
1893 (from May)	196
1894	334
1895	286
1896 (to December 31st)	266
Total, third term	1,082
Total number of opinions written	3,229
SUMMARY.	
Judgments rendered, from January 1, 1889, to December 31, 1896	6,943
Causes filed, same period	6,575
Gain of judgments over filings	368
Cases unsubmitted, 1885	1,003
Cases unsubmitted, 1897	671
	332
Cases dropped from calendar, can be restored on motion	36
	368

Cases filed during past four years	3,417
Cases filed four years, from 1885 to 1888, inclusive	2,589
Increase of filings in past four years	828
Petitions for rehearings acted on in eight years	1,716
Opinions written by commissioners, to December 31, 1896	3,229
The commissioners have examined 379 applicants for admission to practice as attorneys and counselors at law, of which number 277 have been admitted, 101 rejected, and 1 application rejected without examination.	
Compiled and submitted January 25, 1897.	

D. B. WOOLF,
Secretary Supreme Court Commissioners.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 214—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health—have had the same under consideration, and amended it, and respectfully report the same back, and recommend that it do pass as amended, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Also: Senate Bill No. 438—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

Also: Senate Bill No. 493—An Act to pay the claim of E. N. Strout for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bills Nos. 214, 222, 438, and 493 re-referred to the Committee on Finance.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 560—An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act concerning crimes and punishment,'" passed April 16, 1850, approved March 20, 1872.

Also: Senate Bill No. 561—An Act to amend Section 605 of the Penal Code of the State of California, relating to the removing, defacing, or altering landmarks.

Also: Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever—have had the same under consideration, and respectfully report the same back, and as said bill is to the same effect as Assembly Bill No. 453, which we have recommended to pass, therefore we recommend that said Senate Bill No. 324 be withdrawn.

Also: Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, approved April 23, 1880—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SHINE, Chairman.

Senate Bills Nos. 560, 561, 322, 324, and Assembly Bill No. 453 ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 180—An Act requiring the recording of the map of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling, or offering for sale, any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed or recorded, approved March 9, 1893.

Also: Senate Bill No. 449—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal incorporations of the sixth class, approved March 27, 1885.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 437—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto, approved March 19, 1889, March 5, 1895, and March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 23—An Act entitled an Act to amend an Act entitled "An Act amendatory of and supplemental to an Act entitled an Act to create a Police Court in and for the City and County of San Francisco, State of California, approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the San Francisco Delegation.

Also: Senate Bill No. 585—An Act to provide for the filling up or draining of lots upon which there is stagnant water or offensive substances, and providing for collection of costs of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 134—An Act to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893.

Also: Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority of the several counties, cities and counties, cities, and towns of the State, to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Also: Senate Bill No. 522—An Act to amend an Act entitled "An Act to create an exempt firemen's relief fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen," approved March 26, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 21—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 5—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same, as it is identical with Assembly Bill No. 21, just reported back.

GILLETTE, Chairman.

Senate Bills Nos. 180, 449, 437, 585, 134, 339, 522, and 5, and Assembly Bill No. 21, ordered on file for second reading.

Senate Bill No. 23 re-referred to the San Francisco Delegation.

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco southward from its present southerly terminus, near the foot of Mission Street, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 294—An Act for the improvement of the Harbor of San Diego,

and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses incident to securing possession of the tide lands on the Bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GLEAVES, Chairman.

Senate Bill No. 363, ordered on file for second reading.

Senate Bill No. 294 re-referred to Committee on Finance.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following accounts and resolution:

Resolved, That the Sergeant-at-Arms be instructed to pay the following bills, as per vouchers;

Resolved, That the Controller is hereby directed to draw a warrant for \$177, payable out of the fund for contingent expenses of the Senate, in favor of the Sergeant-at-Arms, in payment of said bills.

F. J. Brandon to Wells, Fargo & Co.'s Express, Dr.:

February 2—Paid to Hon. R. Cox, Washington, D. C.....	\$0 65	
Paid to Hon. A. McDowell, Washington, D. C.....	2 75	
	<hr/>	\$3 40

Bought of H. S. Crocker Co.:

February 1—1 Webster's International Indexed Dictionary.....	10 00
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Bought of Locke & Lavenson:

January 8—3 filters, @ \$22 50	67 50
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Bought of Union Ice Co.:

January 31—1,400 lbs. ice, @ 1c	14 00
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Bought of C. H. Rave:

January 25—15 new keys, \$4 87; and 1 new lock	\$6 12	
10 new keys, \$3 75; 2 new locks, \$2 50.....	6 25	
Picking and repairing 3 locks.....	1 00	
5 desk keys.....	1 75	
Repairing 3 locks.....	1 00	
4 keys, \$1 50; repairing 1 lock, 50c	2 00	
2 new locks for Secretary's desk.....	2 50	
3 desk keys.....	1 00	
3 door keys, room No. 55	1 50	
12 drawer keys, room No. 55.....	4 55	
4 door keys, room No. 56	2 00	
6 drawer keys.....	1 10	
5 desk keys, Sergeant-at-Arms' clerk.....	1 75	
6 drawer keys.....	2 10	
2 new locks for Clerk's desk.....	2 50	
Repairing gate door.....	75	
4 drawer keys, room No. 56.....	1 12	
Repairing drawer lock.....	25	
1 desk key, room No. 56.....	37	
1 desk key, room No. 56.....	37	
2 door keys for rooms Nos. 14 and 15.....	1 50	
Picking desk lock.....	25	
Repairing drawer lock and 1 key.....	75	
1 desk key.....	37	
3 door keys, room No. 17	1 50	
Picking desk lock, and 1 key.....	75	
3 door keys, room No. 17	1 50	
2 door keys, room No. 56.....	1 00	
1 door key, room No. 55.....	50	
	<hr/>	49 10

Mrs. Mary Wells:

January 28—To washing towels for Sergeant-at-Arms' office and gents' toilet, from January 4th to January 31st.....	12 50
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Bought of Tom Scott:

January 28—1 electric portable, complete, with shade, cord, plug, socket, and lamp	15 00
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Bought of H. S. Crocker Co.:

January 29—2 postal scales, @ \$2 75.....	5 50
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Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with the following amendments:

In the account of Locke & Lavenson, the charge of \$67 50, for three filters, be reduced to \$37 50.

In the account of C. H. Rave, the charge of \$49 10, for lock repairs and keys, be reduced to \$34 40.

In the account of Mrs. Mary Wells, for washing towels, that the same be returned with the request for an itemized statement.

In the resolution authorizing the drawing of a warrant in payment of said accounts, strike out "\$177," and substitute therefor "\$119 90."

HOLLOWAY, Chairman.

The roll was called, and the report and amended resolution adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Flint, Franck, Gillette, Holloway, Jones, La Rue, Linder, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—23.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read :

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 5th day of February passed the following:

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Bill No. 172 read first time, and referred to the Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator Bulla (by request): Senate Bill No. 646—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Referred to the Committee on Irrigation and Water Rights.

By Senator Shippee: Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

Referred to the Committee on Federal Relations and Immigration.

By Senator Linder: Senate Bill No. 648—An Act to amend Section 1775 of the Political Code of the State of California, relative to the powers and duties of Boards of Education.

Referred to the Committee on Education and Public Morals.

By Senator Androus: Senate Constitutional Amendment No. 28—An Act to amend Section 12 of Article XI of the Constitution. The Legislature of the State of California, at its thirty-second session, commencing on the 4th day of January, A. D. 1897, two thirds of all the members

elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Section 12 of Article XI of the Constitution of the State of California be amended so as to read as follows:

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 12 of Article XI thereof, relative to revenues and taxation and license.

Referred to the Committee on Constitutional Amendments.

By Senator Gillette: Senate Bill No. 649—An Act to amend Section 3909 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, fixing the boundaries of Del Norte County, California.

Referred to the Committee on Counties and County Boundaries.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 238—An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 447—An Act to provide for the payment of swamp and overflowed land funds into the treasury of the counties in which said swamp and overflowed lands are situated—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Swamp and Overflowed Lands.

VOORHEIS, Chairman.

Senate Bill No. 238 ordered on file for second reading.

Senate Bill No. 447 re-referred to the Committee on Public and Swamp and Overflowed Lands.

GENERAL FILE—MOTION.

Senator Simpson moved that the Senate proceed to the second reading of bills.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 90—An Act for the relief of district agricultural associations.

Bill passed on file, but to retain its place.

Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

Bill passed on file, but to retain its place.

Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Bill passed on file.

Senate Bill No. 171—An Act to establish a uniform system of primary elections in the State of California, and to repeal Sections 1357 to 1365, both inclusive, of the Political Code of this State, constituting Chapter XIV of Title II, Part III, of said Code, and to constitute the several sections of this Act as Chapter XIV of said Code, under the head "Primary Election Law."

Bill passed on file.

Senate Bill No. 66—An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the port of San Francisco.

Bill passed on file.

Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 298—An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act.

Bill passed on file, but to retain its place.

Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns in road districts where the population is at least five hundred, and the manner of ascertaining said population.

During the second reading of the bill, the following amendments were submitted:

By Senator Withington:

Amend by striking out of Section 8, line 5, the brackets about words "County Surveyor," and inserting brackets in front of same.

Amendment adopted.

Also: Amend by inserting after the words "name." in Section 8, lines 11 and 12, the words "and designation."

Amendment adopted.

Also: Amend by striking out of Section 8, line 5, the words "by virtue of hereof."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions.

During the second reading of the bill, the following amendment was submitted:

By Senator Bulla:

Amend by striking out of Section 1, printed Bill, all of subdivision 2, after the word "counter-claim," in line 7.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

WITHDRAWAL OF BILL.

Senator Gillette asked unanimous consent to withdraw Senate Bill No. 649—An Act to amend Section 3909 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, fixing the boundaries of Del Norte County, California.

Consent granted.

Senate Bill No. 649 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 139—An Act to amend Section 1521 of the Political Code, relating to the State Board of Education.

Bill passed on file, but to retain its place.

Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by adding thereto paragraph 9, which shall read as follows:

Ninth—To designate some educational monthly journal as the official organ of the Department of Public Instruction. One copy of the journal so designated shall be furnished by the County Superintendent to the Clerk of each Board of District Trustees, to be placed by him in the district library. The County Superintendent of Schools shall draw his warrant semi-annually in favor of the publishers of such school journal, for a sum not exceeding one dollar and fifty cents (\$1 50) per district, for each school year, and charge the same to the Library Fund of the district; *provided*, that the publishers of such journal shall be required to file an affidavit with the Superintendent of Public Instruction, on or before the tenth day of each month, stating that they had mailed one copy of said journal to the Clerk of each school district in the State. It is hereby made the duty of the Clerk of each Board of District Trustees, and the Secretary of each Board of Education, to place each number of such journal in the school library of his district, on or before the end of the month in which such number was issued.

RESOLUTION.

Senator Smith presented the following resolution, which was read and ordered printed in the Journal:

Meeting of the State Board of Education January 8, 1896—Executive Session.

The following resolution was offered by Professor Brown:

Resolved, That in the judgment of this board the continued payment of a subsidy from the school funds of the State to an official journal is inexpedient.

Resolved, That the president and secretary of this board be requested to present to the next Legislature of the State, in such manner as they may deem advisable, the recommendation of this board, that such subsidy be permanently withdrawn.

Superintendent Black seconded the motion to adopt. The roll was called, with the following result:

Ayes—President Kellogg, Professors Brown, Pierce, Childs, Pennell, Governor Budd, and Superintendent Black.

Noes—None.

On the adoption of the amendment, the ayes and noes were demanded by Senators Wolfe, Brauhart, and Seawell.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Chapman, Franck, Gillette, Morehouse, Seawell, Trout, and Wolfe—7.

NOES—Senators Androus, Beard, Boyce, Brauhart, Bulla, Dickinson, Flint, Holloway, Jones, La Rue, Linder, Shine, Shippee, Simpson, Smith, Stratton, and Withington—17.

Bill read second time, considered engrossed, and ordered on file for third reading.

NOTICE OF RECONSIDERATION.

Senator Braunhart gave notice that on Monday, February 8, 1897, he would move a reconsideration of the vote whereby committee amendment to Senate Bill No. 407 was this day refused adoption.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Bulla, Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of February passed the following:

Assembly Bill No. 452 (Substitute for Assembly Bill No. 38)—An Act to repeal Sections 626a, 626b, 626c, 626d, 626e, 626f, 626g, 626h, 626i, 627a, 627b, 627c, and 627d, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 5th day of February passed the following:

Assembly Bill No. 418—An Act to amend Section 407 of the Code of Civil Procedure.

Also: Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Assembly Bill No. 454 (Substitute for Assembly Bill No. 27)—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Also: Assembly Bill No. 40—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Also: Assembly Bill No. 68—An Act relating to pension matters and claims against counties.

Also: Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 452 read first time, and referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

Assembly Bill No. 418 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 22 read first time, and, on motion of Senator Bulla, ordered on file for second reading.

Assembly Bill No. 454 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 40 read first time, and referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Assembly Bill No. 68 read first time, and referred to the Committee on County Government and Township Organization.

Assembly Bill No. 139 read first time, and referred to the San Francisco Delegation.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Finance have had Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor—under consideration.

The majority respectfully report and recommend that the bill do pass.

LINDER.
FRANCK.
SMITH.
HENDERSON.
FLINT.

The minority, in view of information recently received, respectfully report, and recommend that the bill be retained in committee for further investigation.

WOLFE.
LUCHSINGER.
LA RUE.
VOORHEIS.

VOORHEIS, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 109—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," and substitute therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute, as amended, do pass.

VOORHEIS, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 504—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 109 and 504 ordered on file for second reading.

Senator Bulla moved the adoption of the majority report of Committee on Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

The ayes and noes were demanded by Senators Seawell, Shippee, and Wolfe.

The roll was called, and the majority report adopted by the following vote:

AYES—Senators Bulla, Dickinson, Flint, Franck, Holloway, Jones, Linder, Morehouse, Shippee, Simpson, Smith, and Withington—12.

NOES—Senators Androus, Braunhart, Gillette, La Rue, Seawell, Stratton, Trout, Voorheis, and Wolfe—9.

On motion of Senator Bulla, Senate Bill No. 488 was re-referred to the Committee on Finance.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter

and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

During the second reading of the bill, the following committee substitute for bill was submitted:

SUBSTITUTE FOR SENATE BILL No. 182.

An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to dairy stock, and to appropriate money therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person or persons, firms or corporations, shall sell, or offer for sale, or have in his or their possession for sale, any impure, unclean, or unwholesome milk, or any article of food manufactured therefrom, or of cream from the same, or milk drawn from cows either fifteen days before or within five days following parturition, or from cows fed on unwholesome food, or from cows affected with lumpy jaw, swelled neck, swelled legs, mud fever, ulcerated sores, or any other disease that causes the cow to become feverish, or from cows wherein feverishness exists.

SEC. 2. It shall be the duty of the State Dairy Bureau, by its general agent or assistant agents, from time to time, as it may be required, and at least once a year, to inspect all dairies and creameries in the State, and to carefully investigate the sanitary condition of the same. Said bureau shall also at the same time inspect all animals used for dairy purposes, for infectious and contagious diseases, and especially the disease known as tuberculosis, and after such inspection, if said agent or assistant agent believes, or has reason to believe, that any contagious or infectious disease exists among the stock inspected, he shall call a veterinary surgeon to make a thorough inspection and examination of the animal so believed to be affected. Said veterinary surgeon shall be an appointee of the State Dairy Bureau, as hereinafter provided. Such veterinary surgeon shall issue his certificate of examination under such rules as the State Dairy Bureau may enact and duly enter on the minutes of said bureau.

SEC. 3. The State Dairy Bureau shall, and they are hereby directed to, appoint as many assistant agents as in their judgment may be required to carry out the provisions of this Act, and to fix their compensation, not to exceed five dollars per day, while actually employed, exclusive of their actual expenses. Whenever competent assistant agents can be found in counties where such inspection is to be made, the State Dairy Bureau shall, by an order entered on the minutes, appoint such residents of such counties or districts; *provided*, that such assistant agents shall have had practical experience in the manufacture of dairy products, and the care and handling of dairy cows. The State Dairy Bureau shall also appoint such a number of veterinary surgeons as in their judgment may be required. No veterinary surgeon shall be appointed who has not attended for at least two years a recognized veterinary college, and who has not had at least two years' practical experience in that profession. Said bureau shall fix his compensation at not to exceed five dollars a day for each day actually employed, and his necessary expenses. Such appointments shall, if possible, be made from residents within the county or district where the work is to be done.

SEC. 4. All persons employed by the bureau to carry out the provisions of this Act shall render, under oath, to the State Dairy Bureau, on or before the last day of each month, a detailed statement of the number of days actually employed during the month; also, an itemized statement, under oath, of their actual expenses, and all items charged, exceeding the sum of one dollar, shall be accompanied by a receipted voucher, excepting railroad fares.

SEC. 5. Whenever, in the judgment of the veterinary surgeon, it shall be necessary to slaughter any animal or animals, for the benefit of the public health, he shall certify his reasons therefor to the agent ordering such inspection. The agent shall notify the owner or owners of such animals of the decision of such veterinary surgeon, and shall order the animals specified by the veterinary surgeon as coming under the provision to be slaughtered immediately after appraisement; *provided*, that there are sufficient moneys in the fund created by this Act to pay for the same. The value of all cattle to be killed shall be appraised by the agent and a disinterested person selected by the owner of the condemned animal or animals, but if these two cannot agree upon the value of the animal, they shall select a third disinterested person, who, together with them, shall appraise the animal: such appraisal to be made just before the killing, and on a basis of health of such animal, determined by external examination. The appraised value of such animals shall not exceed the assessed value on the assessment books of the county where said animals were last assessed, and in no case shall compensation be allowed for animals slaughtered which have not been in the State six months or more next preceding their slaughter. Any animal or animals so slaughtered shall not be sold or removed, but shall be buried at the expense of the owner or person or persons in charge of such animal or animals.

SEC. 6. The State Dairy Bureau is hereby empowered and directed to prescribe rules and regulations for the carrying out of the requirements of this Act, and provide such forms and instructions as in their judgment will be necessary. All rules and regulations made by the bureau shall be entered in the minutes of their meetings, and copies shall be printed for those applying for the same.

SEC. 7. Whenever the agent of the bureau, or an assistant agent, inspects any dairy, creamery, or any other place where milk is produced, or where products are manufactured from the same, including cow barns, corrals, and hog yards, and utensils used, and finds the same not in sanitary condition, he shall direct in writing such changes to be made as will put the same in good sanitary condition. Such written directions shall be served on the owner or owners, or upon the person or persons having charge of the premises, giving the parties so notified thirty days to make such changes as directed. If such changes are not made within thirty days, the person or persons refusing or neglecting to make such changes shall be deemed guilty of a misdemeanor, and punished as hereinafter prescribed.

SEC. 8. It shall be the duty of the District Attorney, upon application of the agent of the Dairy Bureau, to attend to the prosecution, in the name of the State, of any action brought for the violation of any of the provisions of this Act within his district.

SEC. 9. Whenever any infectious or contagious disease affecting dairy stock shall be brought into or break out in this State, the State Dairy Bureau, by its agent and assistant agents, shall take prompt measures to suppress the same, and to prevent such disease from spreading, and for that purpose shall order farms and other places quarantined, so that no animal shall be removed from or brought to the places so quarantined. The agent or assistant agents shall prescribe such regulations as he or they may deem necessary to prevent the communication of the disease by infection or contagion from the place so quarantined. The agent or assistant agents of the bureau may call a veterinary surgeon to assist in investigation of the disease.

SEC. 10. Any person or persons, firms, or corporations refusing to comply with or conform to the provisions of this Act, when required to do so by the State Dairy Bureau, its agent or assistant agents, or who shall in any manner interfere with them in the performance of their duties under this Act, shall be guilty of a misdemeanor. Whoever shall violate any of the provisions or sections of this Act, shall, upon conviction thereof, for the first offense, be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars and costs, or by imprisonment in the county jail for not less than twenty-five nor more than fifty days, and for each subsequent offense by a fine of not less than fifty dollars nor more than one hundred dollars and costs, or by imprisonment in the county jail not less than fifty days nor more than one hundred days, or by both; such fine and imprisonment to be at the discretion of court. All fines collected under provisions of this Act shall be paid to the agent of the State Dairy Bureau, and by said bureau paid into the state treasury, to be added to the fund appropriated for the enforcement of this Act.

SEC. 11. It shall be the duty of the State Dairy Bureau, now provided by law, by its general agent, to enforce the provisions of this Act. Such agent shall receive an additional salary of fifty dollars per month, payable out of the money appropriated for the enforcement of this Act.

SEC. 12. There is hereby appropriated, for the use of the State Dairy Bureau in carrying out the provisions of this Act, out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000) for the remainder of the forty-eighth fiscal year, and the sum of twenty thousand dollars (\$20,000) for the forty-ninth fiscal year, and twenty thousand dollars (\$20,000) for the fiftieth fiscal year. All salaries, fees, costs, and expenses, including compensation for cattle slaughtered under the provisions of this Act, shall be drawn from the money so appropriated, and the State Controller shall draw his warrants on the state treasury in favor of the person or persons entitled to the same.

SEC. 13. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 14. This Act shall take effect immediately.

Substitute adopted.

The substitute having been heretofore printed, the bill was read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

During the second reading of the bill, the following amendments were submitted:

By Senator Dickinson:

Amend title by inserting in line 3, after "1976," the figures "1990," and after "1990," on line 3, insert "2003."

Amendment adopted.

By Senator Withington:

Amend by inserting after line 27, page 11, the following:

Sec. —. Section two thousand and three is hereby amended to read as follows:

2003. The National Guard of the State of California is hereby organized into three brigades, each commanded by a Brigadier-General; the limits of each brigade to be fixed by the Commander-in-Chief. All officers deprived of office by reason of the Act approved March 26, 1895, are hereby placed upon the retired list, with the rank held by each one when said Act went into effect.

Amendment adopted.

By Senator Dickinson:

Amend by numbering the sections of the bill consecutively.

Amendment adopted.

By Senator Pedlar:

Amend by striking out of Section 1912, line 6, printed bill, the word "sixty," and inserting the following: "six."

Amendment adopted.

Also: Amend by striking out subdivision 8, page 6, printed bill, and inserting the following:

8. The naval militia of the National Guard of California shall be commanded by a captain; there shall also be allowed to the naval militia the following commissioned officers, viz.: One executive officer, with rank of lieutenant-commander; one chief engineer, with rank of lieutenant-commander; one navigating officer, with rank of lieutenant; one paymaster, who shall be the mustering officer of the naval militia; one ordnance officer, one surgeon, and one aide, each with rank of lieutenant; one assistant surgeon, with rank of lieutenant junior grade, and one signal officer, with rank of ensign. Each division shall be commanded by a lieutenant, and shall contain one lieutenant junior grade, two ensigns, and not less than fifty nor more than one hundred petty officers and men. And each division located outside of San Francisco shall be allowed an assistant surgeon, with rank of ensign. There may be three warrant officers, viz.: boatswain, gunner, and carpenter. The petty officers of the naval militia shall be one apothecary, one chief master-at-arms, one chief signal quartermaster, one chief bugler, one chief coxswain, one engineer's yeoman, one paymaster's yeoman, and there may be not to exceed two others, of such ratings as the exigencies of the service may dictate. The divisional petty officers shall be rated as in the United States Navy.

Amendment adopted.

Also: Amend by striking out all of subdivision 5, in Section 1962, pages 5 and 6, of printed bill.

Amendment adopted.

Also: Amend by striking out of Section 1900, page 2, line 5, the word "duplicate," and inserting the following: "copy."

Amendment adopted.

Also: Amend by striking out of Section 1898, page 2, line 15, the words "the duplicate," and inserting the following: "a copy."

Amendment adopted.

Also: Amend by striking out of Section 1898, page 2, line 13, the words "make and," after the word "to."

Amendment adopted.

Also: Amend Section 1897, by inserting in line 7, page 2, before the word "which," the words "two copies of."

Amendment adopted.

By the committee:

Amend the title, by inserting in line 3, after the number "1976," the number "1980."

Amendment adopted.

Also: Strike out the word "two," in line 5, and insert "three."

Amendment adopted.

Also: Insert in line 6 the numbers "1946," after the word "sections."

Amendment adopted.

Also: Amend by striking out of Section 1912, all of lines 10, 11, 12, and the word "Francisco," in line 13 of printed bill.

Amendment adopted.

Also: Amend by adding to Political Code a new section, to be numbered 1946, and to read as follows:

Section 1946. 1. The insignia of the Veterans of the Mexican War, the Military Order of the Loyal Legion, the Grand Army of the Republic, and of armies, or army corps, indicating actual service in the field, and badges indicating long and faithful service in the National Guard of this and other States, and State marksman badges, may be worn by officers and men of the National Guard of California entitled to them upon the left breast, in one line, on the uniform coat or service blouse, the top of the ribbons on a line with the armpit, in the order named above, from right to left.

2. No other medals, badges, ribbons, or decorations shall be worn.

Amendment adopted.

Also: Amend Section 1980 of Political Code as follows: Section 1980 of the Political Code is hereby amended so as to read as follows:

Section 1980. There shall be mustered in and attached to the National Guard, a detachment of signal men, which shall be divided into three signal corps, each to consist of not less than twenty nor more than forty-five men; *provided*, that each corps shall be located in its entirety at one place. Each corps of forty men or over shall be officered by one captain, one first lieutenant, three sergeants, and four corporals. Each corps of less than forty men shall be officered by one first lieutenant, three sergeants, and four corporals. The commissioned officers shall be elected, qualify, and serve as is provided for other officers of the line. The non-commissioned officers shall be appointed by the brigade commander, upon recommendation of the brigade signal officer. The brigade signal officer shall have direct supervision of the detachment of signal corps, and the corps commander shall report to him direct. Whenever the signal corps shall be mounted in the performance of active duty, each officer and man so mounted shall receive a per diem of two dollars during the time of such service. Whenever a State appropriation shall be made for supplying horses to mounted officers and commands, the signal corps shall receive a proportionate allowance from said fund; *provided*, that mounted service is being performed by the corps at such time.

Amendment adopted.

Also: Amend Section 1986 by inserting in line 17 of the printed bill, after the word "present," the following: "a majority of those entitled to vote being present."

Amendment adopted.

Also: Amend paragraph 7, page 17 of printed bill, by striking out all of said paragraph after the word "appointed," in line 44, and inserting the following:

Service shall be—

1. Personal; or,
2. If personal service be impossible, by leaving such summons at the residence of the accused, or delinquent.
3. If service cannot be effected in either of the ways above mentioned, then by depositing in a United States post office, postage paid, said summons addressed to last known place of residence.

Amendment adopted.

Also: Amend Section 2076 by striking out of line 27, printed bill, page 17, the words "three weeks," and inserting in lieu thereof "forty-five days."

Amendment adopted.

Also: Amend in paragraph 8, page 17, of printed bill, by striking out all of said paragraph after the word "make," in line 48, and inserting the following: "a verified return of the service made."

Amendment adopted.

Also: In line 41, page 17, printed bill, strike out the word "shall" and insert "may."

Amendment adopted.

Also: Amend Section 2084, page 18, printed bill, by adding after the word "inquiry," in line 5, the following: "and shall receive for such service the same fees, in the same manner, and account for the same, as provided by law in criminal cases."

Amendment adopted.

Also: Amend Section 2094, line 24, page 19, of printed bill, by striking out the word "four," and inserting "five."

Amendment adopted.

Also: Amend Section 2099, page 19, line 4, of printed bill, by striking out the word "may," and inserting "must."

Amendment adopted.

Also: Amend by striking out Section 2105 of printed bill and substituting the following:

Section two thousand one hundred and five of the Political Code of California is hereby amended to read as follows:

Section 2105. There must be audited and allowed by the Board of Military Auditors, and paid out of the appropriations for military purposes, to the commanding officer of each signal corps in the National Guard, the sum of three dollars per month for each member of said corps, the sum so paid to be used for armory rents, care of arms, and proper incidental expenses of the signal corps; *provided*, that no allowance shall be made for more than forty men to any one signal corps. Demand shall be made and presented in the same manner as for the expenses of a company.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out, on line 21 of Section 1, the words "to the same extent and."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 117—An Act governing the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 265—An Act entitled "An Act to amend Section 3009 of the Political Code," relating to the appointment of officers and employés by the San Francisco Board of Health.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend as follows: On line 16 thereof, after the word "college," strike out the following sentence: "All regularly matriculated students of chartered medical colleges

shall be equally privileged to attend any and all clinical service in the City and County Hospital, free of charge," and insert in lieu thereof the following, viz.: "All matriculated students of the College of Physicians and Surgeons of San Francisco, and of the medical department of the University of California, and of the Cooper Medical College, and of the Hahnemann Hospital College, and of the California Medical College, shall be equally privileged to attend any and all clinics in City and County Hospital."⁵

Amendment adopted.

Bill passed on file for further amendment, and to retain its place, on motion of Senator Dickinson.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 574—An Act amending Section 534 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bill No. 574 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed, viz.: Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools, and employment of teachers of physical culture.

JONES, Chairman.

Senate Bill No. 176 ordered on file for third reading.

RECESS.

The hour of twelve o'clock and thirty minutes p. m. having arrived, the President pro tem. declared a recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Boyce, Brauhart, Bulla, Chapman, Dickinson, Flint, Franck, Gillette, Holloway, Jones, Langford, La Rue, Linder, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

By unanimous consent the following committee report was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 12—An Act to prescribe conditions upon which certain insurance associations, known as Lloyds, may be admitted to transact insurance business in this State.

Also: Senate Bill No. 495—An Act to amend Section 622 of the Political Code, relating to the retaliatory clause concerning insurance companies.

Also: Senate Bill No. 498—An Act to provide for investigation of fires by the insurance department, and to make provision for the expenses of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 164—An Act to amend Section 634 of the Political Code, in relation to insurance, approved April, 1878.

Also: Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Also: Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

Have had the same under consideration, and respectfully report the same back, and recommend that the committee substitutes, as attached to each, be adopted, and do pass.

Also: Senate Bill No. 165—An Act relating to the securities in which corporations organized under the laws of this State to transact the business of life insurance may invest their assets—have had the same under consideration, and respectfully recommend that the author be permitted to withdraw the same, as Senate Bill No. 499, before this committee, covers the same.

Also: Senate Bill No. 499—An Act to prescribe the duty of the Attorney-General and Insurance Commissioner in regard to the admission of insurance corporations, associations, or individuals to do business in this State—have had the same under consideration, and respectfully report the same back, and recommend that the bill do pass as amended.

DICKINSON, Chairman.

Senate Bills Nos. 12, 495, 498, 164, 166, 501, 165, and 499 ordered on file for second reading.

Senator Jones moved that Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians—heretofore passed by the Senate and transmitted to the Assembly, be recalled from the other house, in order that he may withdraw the same, as there is now on the Senate file an identical Assembly bill.

The roll was called, and Senate Bill No. 81 ordered recalled from the Assembly by the following vote:

AYES—Senators Andrews, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Flint, Franck, Gillette, Holloway, Jones, La Rue, Linder, Morehouse, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—24.
NOES—None.

The Secretary was directed to prepare a message to the Assembly, setting forth the action and desire of the Senate regarding Senate Bill No. 81.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

Bill passed on file, but to retain its place.

Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

Bill passed on file, but to retain its place.

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class, in the State of California.

Bill passed on file, but to retain its place.

Assembly Bill No. 286—An Act directing the State Prison Directors of

the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 286, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Assembly Bill No. 286 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Bulla, Chapman, Dickinson, Flint, Franck, Gillette, Holloway, Jones, La Rue, Linder, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—23.

NOES—None.

Title read and approved.

Assembly Bill No. 286 ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Dickinson asked unanimous consent of the Senate to withdraw Senate Bill No. 252—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—it being identical with Assembly Bill No. 286, finally passed by the Senate this day.

Consent granted, and Senate Bill No. 252 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

During the second reading of bill, the following committee amendment was submitted:

Amend by striking out in line 17, page 2, Section 1, of the printed bill, the word "survivor," and insert instead thereof the words "widow or minor children."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS—(RESUMED).

On motion of Senator Simpson, the Senate proceeded to consider Senate bills on the second-reading file.

Senate Bill No. 392—An Act to amend Section 499 of the Civil Code, relating to street railways operated under different managements.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Bill passed on file, but to retain its place.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

During the second reading of the bill, the following amendments were submitted:

By Senator Withington:

Amend by striking out of Section 1, line 2, the words "one of whom shall be a resident of the City of Los Angeles, and the other a resident of San Francisco."

Amendment adopted.

By the committee:

Amend by inserting after the word "Governor," on line 2, of Section 1, the words "each of whom shall be an officer, or retired officer, of the National Guard"; and also, on line 3, of Section 1, after the word "one" insert the word "which"; and on the same line, after the word "commissioners," insert the words "will be."

Amendments adopted.

Also: On line 1, of Section 2, after the word "such," insert the words "site or"; and on line 4, of Section 2, after the word "purchase," insert the words "either or both of same," and strike out the words "said two," on same line.

Amendments adopted.

Also: Amend by striking out, commencing on line 9 of Section 4, the words "and the direction herein is hereby exempt from the provisions of section six hundred and seventy-two of Political Code."

Amendment adopted.

By Senator Dickinson:

Amend by striking out "and" in last line of title, as printed.

Amendment adopted.

Also: Amend by adding to the title the words "and making an appropriation therefor."

Amendment adopted.

Also: Amend by striking out of Section 4 all beginning with "and" on line 10.

Amendment adopted.

On motion of Senator Dickinson, Senate Bill No. 486 was re-referred to the Committee on Finance, but to retain its place on file.

LEAVE OF ABSENCE.

At two o'clock and forty minutes P. M., Senator Shippee was granted leave of absence for the remainder of the day.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 538—An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 539—An Act relinquishing to the United States of America the title of this State to certain lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 412—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Bill passed on file, but to retain its place.

Senate Bill No. 285—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 79½, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Bill passed on file, but to retain its place.

Senate Bill No. 442—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1792½ thereof, relating to the sale of the interest of a ward in homestead property.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by adding, in line 5, Section 1, of printed bill, after the word "property," the words "of a minor."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

During the second reading of the bill, the following amendment was submitted by the committee:

By adding, in line 81, Section 1, page 3, of printed bill, after the word "actions," the words "nothing in this section shall apply to street railroads."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 463—An Act to amend Section 1114 of the Political Code of the State of California, relating to registration.

During the second reading of the bill, the following amendment was submitted by Senator Stratton:

Strike out of Section 1, printed bill, lines 12, 13, 14, and 15, after the words "primary elections," and insert in lieu thereof the following: "There shall be employed by the Board of Supervisors, under the direction and control of the County Clerk, such persons,

and for such times and at such compensation as they shall from time to time authorize, and which compensation shall be paid out of the county treasury."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

ADJOURNMENT.

At three o'clock and five minutes P. M., on motion of Senator Smith, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Monday, February 8, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, February 5, 1897, was approved.

LEAVE OF ABSENCE.

Senator Aram was granted a leave of absence until eleven o'clock A. M., on motion of Senator Flint.

Senator Feeney was granted a leave of absence for the morning session, on motion of Senator Toner.

MOTIONS.

Senator Withington moved that Senate Bill No. 154, now in the hands of the Committee on Judiciary, be recalled, and the committee discharged from its further consideration.

So ordered.

Bill re-referred to the Committee on Finance.

On motion of Senator Wolfe the Journal of Saturday, February 6, 1897, was amended to show that the amendment to Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole—read as follows:

Amend by striking out, on line 21 of Section 1, the words "to the same extent and."

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 86—An Act making an appropriation for a system of storm drains and improvements of the grounds of the Southern California State Asylum for the Insane and Inebriates—respectfully report the same back, as it has been withdrawn and ordered to be stricken from the file.

VOORHEIS, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 601—An Act to amend Section 1238 of the Penal Code, relating to appeals by the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bill No. 601 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following accounts and resolution:

Resolved, That the Controller be directed to draw his warrant on the Contingent Fund of the Senate in favor of F. J. Brandon, for the sum of \$178 85, in payment of repairs to Secretary's desk, building new window to Senate Chamber, and to electric repairs, as per accompanying vouchers:

Bought of John Breuner:

January 14—Repairing Secretary's desk, and 1 new desk \$45 00

Bought of the Sullivan-Kelly Company:

November 21—2 plates, 56" x 76", \$37 50 each \$75 00
Glazed 4 50

79 50

Bought of Hartwell, Hotchkiss & Stalker:

November 25—1 sash, 5'2" x 13'6", 2 1/4" thick \$15 00
32 ft. mahogany molding 1 60
48 ft. pine molding 48
Labor and material furnished by F. Cady 21 50

38 58

Bought of Tom Scott:

January 9—25 ft. electric silk cord @ 5 cents \$1 25
1 T. H. electric socket 50
1 6" block 50
1 electric desk, portable 7 50
Labor, lowering fixtures, and putting in wire for light on
Secretary's desk 6 00

15 75

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following accounts and resolution:

Resolved, That the Controller be directed to draw his warrant in favor of F. J. Brandon, Secretary of Senate, for the sum of \$59 25, to pay for rubber stamps, as per accompanying vouchers, provided for the officers of the Senate, the said sum to be paid out of the Contingent Fund of the Senate.

Bought of Frank H. Wing:

January 11—1 fac-simile, self-inking, improved band dater, "Adopted" .. \$7 50
1 fac-simile pocket stamp, "G. W. McIntyre, Asst. Secty." .. 3 50
1 fac-simile pocket stamp, "Alf. D. Bowen, Asst. Secty." .. 3 50
28 committee stamps @ 50 cents each 14 00
1 black walnut stamp case, \$2 50; 1 large self-inking pad, 75c. 3 25

\$31 75

Bought of H. C. Megerle.

January — — Rubber stamps, self-inking stamps, fac-similes, and supplies furnished officers of Senate..... \$27 50

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with the following amendments:

In the account of Frank H. Wang, the charge of \$81 75 for rubber stamps be reduced to \$19 65.

In the account of H. C. Megerle, the charge of \$27 50 for rubber stamps be reduced to \$16 50.

In the resolution authorizing the drawing of a warrant in the payment of said accounts, strike out "\$59 25" and substitute therefor "\$65 55."

HOLLOWAY, Chairman.

The roll was called, and the reports of committee and amended resolutions were adopted by the following vote:

AYES—Senators Heard, Best, Hupper, Hulla, Chapman, Denison, Dickinson, Dwyer, Francis, Glines, Henderson, Holloway, Jones, Langford, Lousinger, Mathewson, Shine, Simpson, Smith, Stratton, Turner, Trout, Voorhees, and Worthington—24.

NOES—None.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

ON FINANCE

SENATE CHAMBER, SACRAMENTO, February 6, 1897.

MR. PRESIDENT: Your Committee on Finance to whom was referred Senate Bill No. 39—An Act appropriating money to pay the expenses of a California exhibit at the Trans-Mississippi Exposition, at Omaha in 1896, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also, Senate Bill No. 68—An Act making an appropriation to pay the claim of Mariposa County against the State of California—have had the same under consideration, and respectfully report the same back with out recommendation.

Also, Senate Bill No. 199—An Act making an appropriation to pay the expenses incurred by calling the National Council of California into service by order of the Governor in 1894 and 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also, Senate Bill No. 220—An Act making an appropriation to pay the claim of Earl H. Daggett for the arrest of Daniel McNeil for attempted highway robbery.

Also, Senate Bill No. 217—An Act making an appropriation to pay the claim of Edwin F. Jones for the arrest of F. J. Morgan for attempted highway robbery.

Also, Senate Bill No. 215—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Also, Senate Bill No. 226—An Act making an appropriation to pay the claim of George E. Lawrence for services rendered the State of California, at the funeral of the late Lieutenant Governor Millard.

Also, Senate Bill No. 221—An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners.

Also, Senate Bill No. 224—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.

Also, Senate Bill No. 219—An Act making an appropriation to pay the claim of W. N. Hendricks for the arrest of John Keener for attempted highway robbery.

Also, Senate Bill No. 226—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way in front of the lands of the Institute for the Deaf, Dumb, and Blind, at Berkeley California.

Also, Senate Bill No. 227—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Governor Millard.

Also, Senate Bill No. 228—An Act making an appropriation, to pay the deficiency in the appropriation for support of Southern California Hospital for Insane and Inebriates for the forty-seventh fiscal year.

Also, Senate Bill No. 232—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the forty-sixth fiscal year.

Also, Senate Bill No. 234—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy in conveying prisoners to Whittier.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 235—An Act making an appropriation to pay the deficiency in the appropriation to provide for the erection and operation of rock-crushing plants at the State prisons, etc.

Also: Senate Bill No. 230—An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1889, page 7.

Also: Senate Bill No. 237—An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations, for the forty-sixth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 563—An Act making an appropriation to pay the deficiency in the appropriation for support of Preston School of Industry, at Ione, California, for the forty-eighth fiscal year.

Also: Senate Bill No. 340—An Act to provide for the purchase of additional land for the Preston School of Industry at Ione.

Also: Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Also: Senate Bill No. 438—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

Also: Senate Bill No. 523—An Act to appropriate money for the support of orphans, half orphans, abandoned children, foundlings, and other abandoned infants.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 39, 68, 199, 220, 217, 215, 226, 221, 236, 219, 309, 227, 229, 232, 234, 228, 230, 237, 563, 340, 386, 438, and 523 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities—and presented the same to the Governor on this day, at ten o'clock and five minutes A. M.

JONES, Chairman.

SPECIAL ORDER.

The consideration of Senate Bill No. 136 having been previously set for this hour, the same was taken up.

SECOND READING OF BILL.

Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

During the second reading of bill the following amendments were submitted:

By Senator Dickinson:

Amend Section 15, line 5, printed bill, by striking out the words "by such district and not."

Amendment lost.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

By Senator Morehouse:

Amend Section 25, line 26, printed bill, by striking out the words "five hundred" and inserting in lieu thereof the words "one thousand."

Senator Aram moved to amend the amendment by striking out the word "one" and inserting in lieu thereof the word "three."

Under the rules, the question was on the adoption of the original amendment, it carrying the smaller amount.

Amendment lost.

Amendment to amendment lost.

By the committee:

Amend by inserting in Section 25, subdivision 5, line 53, printed bill, after the word "graduate," the words "or graduates," and inserting in line 54, after the word "poor," the words "and to the patients in such hospitals and poorhouses."

Amendment adopted.

Also: Amend by striking out of Section 25, subdivision 20, line 301, printed bill, after the word "they," the word "shall," and inserting in lieu thereof the word "may."

Amendment lost.

By Senator Simpson:

Amend subdivision 20, Section 25, printed bill, page 17, so as to read as follows:

20. To adopt such provisions for the preservation of the health of their respective counties, or any district therein, or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof, and when the expense is incurred in a district or portion of a county, for the particular benefit thereof, the board may fix the boundaries of such district or portion, and levy a tax on the property therein to pay the same; the tax to be levied and collected in the same manner as other taxes are levied and collected. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. Whenever a sanitary district has been formed, as herein provided, it shall then be the duty of the Board of Supervisors, except in counties of the first class, by ordinance, to appoint a Board of Health, which shall consist of not less than three persons, and the members of the board shall hold their offices for the term of two years, and shall serve without compensation. The Board of Health so appointed shall have a general supervision of all the matters appertaining to the sanitary condition of the district, and may make such rules and regulations in relation thereto as are not inconsistent with law. They shall have power, subject to the approval of the Board of Supervisors, to construct and maintain sewers; and, in times of epidemics, to locate and establish pesthouses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in carrying out the provisions of this section must be provided for by the Board of Supervisors, who may make appropriation therefor out of the Sanitary District Fund, derived from taxes levied in said district, and to be known as the Sanitary District Fund; *provided*, the Board of Supervisors of each county may appoint a Health Officer in every unincorporated town of five hundred or more inhabitants, and fix the term of office and salary thereof. A Health Officer, so appointed, shall perform all the duties and exercise all the powers of a Board of Health and Health Officer. Whenever three or more Health Officers are appointed in the county, they shall constitute the County Board of Health. All necessary expenses of enforcing this Act shall be paid out of the General Fund of the county.

Amendment lost.

By Senator Gillette:

Amend by striking out of Section 25, subdivision 20, lines 311 and 312, the words "not to exceed six hundred dollars per annum," and inserting the following: "to be fixed by the Board of Supervisors."

Amendment lost.

By Senator Voorheis:

Amend by striking out of Section 25, line 301, printed bill, the word "shall," and inserting in lieu thereof the word "may."

Amendment adopted.

By the committee:

Amend by striking out of Section 25, subdivision 25, printed bill, beginning with the words "a certificate," in line 386, the following sentence: "A certificate of disability by a surgeon of the United States army or navy shall be sufficient proof of such disability, and a certificate of honorable discharge from the United States army or navy, or an exemplified copy thereof, shall be sufficient proof of such service and honorable discharge, and upon presentation, a license shall be issued as aforesaid."

Amendment adopted.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept—and presented the same to the Governor on this day, at eleven o'clock and fifty minutes A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 104—An Act to amend Section 412 of the Penal Code of the State of California, relating to ring-fights, prize-fights, glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Also: Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building, on the north side of the State Normal School grounds at San José, between Sixth and Seventh streets in-said city.

JONES, Chairman.

Senate Bills Nos. 104 and 290 ordered on file for third reading.

AMENDMENTS—(RESUMED).

By the committee:

Amend by inserting in Section 25, subdivision 29, line 408, printed bill, after the word "person," the words "to be appointed by the Sheriff."

Amendment adopted.

By Senator Dickinson:

Amend by adding to subdivision 25, of Section 25, page 19, of printed bill: "*provided*, that the portion of such county within the corporate limits of any city or town therein shall not be subject to the provisions of this subdivision."

Pending final action on the amendment, Senator Voorheis moved that Senators be privileged to introduce bills.

So ordered.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendments were introduced, read first time, and referred to committees, as indicated:

By Senator Mahoney: Senate Bill No. 650—An Act to amend Section 70 of "An Act to establish a uniform system of county and township governments," approved March 24, 1893.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 651—An Act to authorize municipalities to accept donations of, and to set apart portions of public streets or parks for, statues, monuments, and fountains.

Referred to the San Francisco Delegation.

By Senator Simpson: Senate Bill No. 652—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.

Referred to the Committee on Elections.

Also: Senate Bill No. 653—An Act concerning corporations, and the formation thereof for certain purposes.

Referred to the Committee on Corporations.

Also: Senate Bill No. 654—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Referred to the Committee on Corporations.

Also: Senate Bill No. 655—An Act to amend Section 176 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to support of husband by wife.

Referred to the Committee on Judiciary.

By Senator Flint: Senate Bill No. 656—An Act to amend the Penal Code of California, by adding a new section thereto, to be known as Section 626j, relating to game.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

Also: Senate Bill No. 657—An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," as amended and approved March 27, 1895.

Referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

By Senator Voorheis: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution, relative to sessions of the Legislature.

Referred to the Committee on Constitutional Amendments.

By Senator Dickinson: Senate Constitutional Amendment No. 30—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judiciary department.

By request, referred to the Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 556—An Act to provide for the survey and construction of a wagon road from Tallac to McKinney's, along the shore of Lake Tahoe—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 159—An Act to provide for the separation of the roads of each county of this State into two classes, and to provide for the levy and collection of sufficient revenue to permanently build and maintain each class of roads under separate management—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to a Joint Committee on Roads and Highways of the Senate and Assembly.

BEARD, Chairman,

Senate Bill No. 556 re-referred to the Committee on Finance.

Senate Bill No. 159 re-referred to a joint committee of the Senate and Assembly on Roads and Highways.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington.

Quorum present.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

SECOND READING OF BILLS.

Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within

municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 13, 1874; April 23, 1880.

During the second reading of bill, the following amendments were submitted by the committee:

Amend Section 1, in line 16, by inserting after the word "papers," the following: "Any stockholder may at reasonable hours have permission to examine such mining property, and he shall be entitled to be accompanied by an expert to examine such property, to take samples, and to make such other examination as he may deem necessary."

Amendment adopted.

Also: Amend Section 2, by adding after the word "stockholders," in line 49, the following: "provided, that this section shall apply only to mining corporations whose stock is listed and offered for sale at public exchange, and shall not apply to mining corporations whose stock is not listed in the public exchange and is not offered for public sale."

Amendment adopted.

Also: Amend by renumbering Section 3 as Section 2, and inserting Section 3 before last line.

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 21—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend by striking out of line 39, page 2, of printed bill, the words "one year," and inserting in lieu thereof the words "two years."

Amendment adopted.

By Senator Dickinson:

Amend by striking out of Section 1, line 9, the words "one fourth," and inserting the following: "one half."

Amendment adopted.

Bill read second time, and ordered to print.

SPECIAL ORDER.

The consideration of Senate Bill No. 136—An Act to establish a uniform system of county and township governments—was resumed.

When recess was declared, the question was on the adoption of the amendment last offered by Senator Dickinson.

The ayes and noes were demanded by Senators Withington, Pedlar, and Langford.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Beard, Boyce, Chapman, Denison, Dickinson, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Mahoney, Morehouse, Prisk, Seawell, Shine, Smith, Stratton, and Toner—19.

NOES—Senators Androus, Aram, Bert, Bulla, Doty, Holloway, Jones, Langford, Linder, Luchsinger, Pedlar, Shippee, Simpson, Trout, and Withington—15.

NOTICE OF RECONSIDERATION.

Senator Smith gave notice that on next legislative day he would move a reconsideration of the vote whereby the last amendment was adopted.

REFERENCE OF AMENDMENT.

Senator Smith moved that the amendment just adopted be referred to the Committee on Judiciary, with instructions to report on to-morrow morning as to the constitutionality of the provisions of the amendment.

So ordered.

AMENDMENTS—(RESUMED).

By Senator Smith:

Amend by inserting in Section 25, line 99, printed bill, after the word "sale," the words "without advertising."

Amendment adopted.

By Senator Gleaves:

Amend by inserting in Section 25, subdivision 17, line 290, printed bill, the words "and other property" after the word "buildings."

Amendment adopted.

By Senator Morehouse:

Amend by striking out of Section 25, subdivision 21, line 360, printed bill, the words "said supplies and advertisements shall be procured within the county, when practicable."

Amendment adopted.

By Senator Smith:

Amend by striking out of Section 25, line 403, printed bill, the word "close."

Amendment adopted.

By Senator Simpson:

Amend Section 25, subdivision 33, line 424, printed bill, by striking out the word "five," and inserting in lieu thereof the word "three."

Amendment adopted.

Also: Amend by inserting after the word "streams," in line 478, printed bill, Section 25, subdivision 41, the words "and prevent the obstruction thereof."

Amendment adopted.

Also: Amend Section 41, on pages 26, 27, and 28 of the printed bill, by striking out the same and inserting the following:

SEC. 41. No account must be passed upon by the board unless made out as prescribed in the preceding section and filed by the clerk at least one day prior to the session at which it is asked to be heard.

Amendment lost.

By the committee:

Amend Section 43, line 1, printed bill, by adding before the words "a claimant" the following: "If the board refuse or neglect to allow or reject a claim or demand for ninety days after the same has been filed with the clerk, such refusal or neglect may, at

the option of the claimant, be deemed equivalent to a final action and rejection on the ninetieth day, and."

Amendment adopted.

By Senator Morehouse:

Amend Section 45, line 7, by adding the words "or act as a member of a committee or board of road reviewers."

Amendment adopted.

By Senator Simpson:

Amend Section 52, by striking out of lines 3 and 4, printed bill, the words "for use as public highways, for rafting and floating lumber."

Amendment adopted.

By the committee:

Amend Section 56, in line 4, printed bill, by inserting after the word "Justices" the words "or Recorders."

Amendment adopted.

Also: Amend by striking out all of Section 57, page 32, printed bill, and inserting in lieu thereof the following:

SEC. 57. Whenever notice is required by law to be published in a newspaper by any county or township officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication, in advance. And failure to publish any notice required by law, pertaining to the duties of his office, shall be a misdemeanor.

Amendment adopted.

By Senator Smith:

Amend Section 64 by inserting the following after the word "county," in line 4: the words "except when on business for the State."

Amendment adopted.

By the committee:

Amend Section 65, printed bill, by adding to said section the following: "And no county officer, or his deputy, shall be eligible to the office of notary public, or perform the duties of the same."

Amendment adopted.

Also: Amend Section 80, page 37, printed bill, by adding to said section the following: "And no order of the Board of Supervisors shall be necessary to bring such action. His reasonable expenses, including attorney's fees, shall be a county charge."

Amendment adopted.

Also: Amend by striking out of line 8, subdivision 4, page 39, Section 89, of printed bill, the words "courts, except Justices' and Police Courts," and inserting instead thereof, after the word "all," in said line, the following: "Superior Courts held within his county, and obey all lawful orders and directions of all courts held within his county."

Amendment adopted.

By Senator Stratton:

Amend Section 89 by adding, on line 14 of page 39, printed bill, after the word "therein," the following: "provided, that where the Sheriff is, by any Board of Supervisors, allowed the expense for boarding prisoners in the county jail, then such Sheriff must file with the County Auditor a sworn statement, monthly, showing the names of persons and amounts paid to each for such expense, and must thereupon pay over and account to the county, or city and county, for the difference between the expense so allowed to the Sheriff and the amount actually expended by him for the boarding of such prisoners."

Amendment lost.

LEAVE OF ABSENCE.

At three o'clock and forty-five minutes P. M., on motion of Senator Boyce, the Committee on Education and Public Morals was granted a leave of absence for the remainder of the day.

AMENDMENTS—(RESUMED).

By Senator Morehouse:

Amend Section 93, line 6, printed bill, by striking out the words "value of such property" and inserting the following in lieu thereof: "damages which the creditor may sustain thereby."

Amendment lost.

By the committee:

Amend by inserting in Section 111, line 2, printed bill, after the word "persons," the words "or officers."

Amendment adopted.

Also: Amend Section 139 as follows: Amend by inserting in line 4, printed bill, after the word "purposes," the words "at the cost of the party filing the same for record"; also, by inserting in line 9, printed bill, after the word "road," the word "and."

Amendments adopted.

Also: By striking out of lines 9 and 10, printed bill, the words "Assessors," "and all other."

Amendment adopted.

Also: By adding after the word "Surveyor," in line 10, printed bill, the words "when directed by the Board of Supervisors."

Amendment adopted.

Also: By inserting in line 10, printed bill, after the word "maps," the words "unless otherwise provided for."

Amendment adopted.

Also: By striking out of lines 12 and 13 the clause inclosed in brackets, reading as follows: "[except those made for the Assessor, which shall be filed in the office of the Assessor]."

Amendment adopted.

Also: By striking out of line 18, printed bill, the words "two thousand," and inserting in lieu thereof the words "five hundred."

Amendment adopted.

By Senator Stratton:

Amend Section 117 by adding thereto the following: "The Auditor shall prepare and submit to the Board of Supervisors, each year, a statistical report, showing in compendious form all financial transactions of the county, yearly, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, and road district and school district, and classifying the principal items of income and expenditure, according to a plan to be approved by the Board of Supervisors, and the Board of Supervisors shall publish the same."

Amendment adopted.

Also: Amend Section 148, by adding after line 3 of said section the following: "*provided*, that where any salary is allowed to the Assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block-books, he shall be

allowed the actual cost of making the same, and must file with the County Auditor a sworn statement, monthly, showing in detail the names of persons and amounts paid to each for such expense, and the Assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose and the amount actually expended by him therefor."

Amendment adopted.

LEAVE OF ABSENCE.

At four o'clock and thirty-three minutes P. M., Senator Wolfe was granted a leave of absence for the remainder of the day.

AMENDMENTS—(RESUMED).

By Senator Boyce:

Amend Section 25, subdivision 19, line 300, printed bill, by adding after the word "term" the following: "or until the next general election."

Pending action on the above amendment, the following business was transacted:

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Seawell: Senate Bill No. 658—An Act to add a new section to the Political Code, to be known as Section 2681½, relating to roads and highways.

Referred to the Committee on Roads and Highways.

By Senator Aram: Senate Bill No. 659—An Act to amend Section 3094 of the Political Code, relating to the surrender of dead bodies of persons to be buried at public expense, to physicians and surgeons, for anatomical purposes.

Referred to the Committee on Hospitals, Health, and Quarantine.

By Senator Gileaves: Senate Bill No. 660—An Act to empower the State Board of Examiners to authorize and direct the removal of property belonging to the State from one public institution to another.

Referred to the Committee on Public Buildings other than Prison Buildings.

By Senator Mahoney: Senate Bill No. 661—An Act to amend Sections 955 and 956 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds.

Referred to the San Francisco Delegation.

Also: Senate Bill No. 662—An Act to amend Section 1056 of the Code of Civil Procedure of California, in relation to sureties upon official bonds.

Referred to the San Francisco Delegation.

SPECIAL ORDER RESET.

On motion of Senator Smith, the further consideration of Senate Bill No. 136 was made a special order for to-morrow, immediately after the consideration of Senate Bill No. 583, heretofore made a special order for the same day, after the approval of Journal.

ADJOURNMENT.

At four o'clock and forty-two minutes P. M., on motion of Senator Flint, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 9, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Saturday, February 6, 1897, was approved.

SPECIAL ORDERS.

The consideration of Senate Bill No. 583 having been previously set for this hour, the same was taken up.

SECOND READING OF BILL.

Senate Bill No. 583—An Act to provide for the appointment, by the Supreme Court, of five commissioners, to be known as Commissioners of the Supreme Court, and to appoint a secretary therefor, to relieve said court from the overburdened condition of its calendar, and to provide for the compensation of said commissioners and secretary, and to appropriate money therefor.

During the second reading of bill, the following amendment was submitted by Senator Withington:

Amend by striking out of title, line 1, the commas; also, the words "therefor, to relieve said court from the overburdened condition of its calendar, and to provide for the compensation of said commissioners and secretary"; also, the word "and," after the word "court," in the third line.

Amendments adopted.

Bill read second time, and ordered to print and engrossment.

On motion of Senator Bulla, the Secretary was directed to have printed five hundred additional copies of Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 316—An Act making an appropriation to pay the claim of Clement Bennett, for report—

ing in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 493—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

Also: Senate Bill No. 212—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Railroad Commissioners of the State of California.

Also: Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Finance respectfully report and unanimously recommend that the following resolution be adopted by the Senate:

Resolved, That the Committee on Finance be and they are hereby empowered to thoroughly investigate the subject-matter contained in Senate Bill No. 488, and, in furtherance thereof, to send for persons and papers and to administer oaths.

VOORHEIS, Chairman.

The question being on the adoption of the resolution offered by the Committee on Finance.

Senator Withington moved that the further consideration be postponed until Senate Bill No. 136 be disposed of.

Motion lost.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—33.

NOES—Senators Boyce, Dickinson, Morehouse, Pedlar, Shippee, and Withington—6.

Senate Bills Nos. 316, 493, 212, and 315 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred on yesterday the proposed amendment to Senate Bill No. 136, by adding to subdivision 25 of Section 25, page 19, of printed bill: "*provided*, that the portions of such county within the corporate limits of any city or town therein shall not be subject to the provisions of this subdivision," with the request that the committee report as to the constitutionality of said proposed amendment—have had the same under consideration, and respectfully report the same to be unconstitutional.

SIMPSON, Chairman.

In compliance with his notice, given on yesterday, Senator Smith moved that the vote whereby the Senate adopted the following amendment to Senate Bill No. 136 be reconsidered:

Amend by adding to subdivision 25 of Section 25, page 19, of printed bill: "*provided*, that the portions of such county within the corporate limits of any city or town therein shall not be subject to the provisions of this subdivision."

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Doty, Flint, Gillette, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—Senators Boyce, Braunhart, Chapman, Denison, Dickinson, Dwyer, Feeney, Franck, Morehouse, Shine, and Wolfe—11.

The question recurring on the adoption of the amendment, the same was put.

Amendment lost.

SPECIAL ORDER—(RESUMED).

The second reading of Senate Bill No. 136—An Act to establish a uniform system of county and township governments—was proceeded with.

On adjournment yesterday the question of adopting the following amendment was pending:

By Senator Boyce:

Amend Section 25, subdivision 19, line 300, printed bill, by adding after the word "term" the following: "or until the next general election."

Amendment adopted.

On motion of Senator Smith, the Senate proceeded with the consideration of Senate Bill No. 136, commencing with Section 215.

By the committee:

Amend by inserting in Section 215, in line 7, printed bill, after the word "*provided*," the following, to be inclosed in brackets: ["and except that where an Assistant District Attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six, of section twenty-five, or under any other provisions of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March twenty-fourth, eighteen hundred and ninety-three, and such assistant is continued by the provisions of this Act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided."]

Amendment adopted.

Also: Amend by inserting in Section 215, in line 26, printed bill, after the word "him," the following: "*provided*, that in any county where the number of judges of the Superior Court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the Sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the Sheriff, at a salary of not exceeding one thousand two hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also, there must be and is hereby allowed to the County Clerk of such county, one additional deputy, to act as court-room clerk, for each judge so appointed or elected, at a salary not exceeding one thousand two hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid."

Amendment adopted.

By Senator Stratton:

Amend Section 215, line 19, printed bill, by adding after the words "counties of the first," the following words: "and third."

Senator Bulla moved to amend the amendment, so as to read:

"Second and third."

AYES AND NOES.

The ayes and noes were demanded by Senators Bulla, Braunhart, and Simpson.

The roll was called, and the amendment to the amendment adopted by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dwyer, Franck, Gillette, Jones, La Rue, Luchsinger, Morehouse, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Wolfe—21.

NOES—Senators Dickinson, Doty, Feeney, Holloway, Linder, Pedlar, Seawell, Smith, and Withington—9.

The question being on the adoption of the amendment as amended, the ayes and noes were demanded by Senators Withington, Pedlar, and Smith.

The roll was called, and the amendment as amended adopted by the following vote:

AYES—Senators Aram, Beard, Boyce, Brauhart, Bulla, Denison, Dwyer, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Morehouse, Shine, Simpson, Stratton, Trout, Voorheis, and Wolfe—21.

NOES—Senators Dickinson, Doty, Feeney, Linder, Pedlar, Seawell, Smith, and Withington—8.

By the committee:

Amend Section 215, line 30, printed bill, by striking out after the word "fix" the words "the price," and inserting in lieu thereof the words "a reasonable price."

Amendment adopted.

Also: Amend Section 215, line 43, printed bill, by adding after the word "action" the following words: "the Sheriff may retain for his own use the mileage for the service of papers or process issued by any court of the State outside of his own county."

Amendment adopted.

By Senator Seawell:

Amend Section 215, lines 34 and 35, printed bill, by striking out the words "and for conveying persons to and from the insane asylums."

At twelve o'clock and twenty minutes P. M., Senator Seawell moved that the hour of recess be continued until the amendment under consideration be disposed of.

Motion carried.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 9, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 266—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Also: Senate Bill No. 107—An Act to require an inventory of State and county property, and directing that a record of the same be kept.

JAMES H. BUDD, Governor.

AMENDMENTS (RESUMED).

The question being on the adoption of the amendment offered by Senator Seawell.

The ayes and noes were demanded by Senators Seawell, Pedlar, and Bulla.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Androus, Beard, Brauhart, Bulla, Denison, Dickinson, Doty, Holloway, Langford, La Rue, Luchsinger, Pedlar, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—19.

NOES—Senators Aram, Dwyer, Feeney, Flint, Gillette, Gleaves, Henderson, Linder, Mahoney, Morehouse, Prisk, Shine, Smith, Toner, and Wolfe—15.

NOTICE OF RECONSIDERATION.

Senator Dickinson gave notice that on next legislative day he would move a reconsideration of the vote whereby the amendment offered by Senator Seawell was this day adopted.

RECESS.

At twelve o'clock and forty-five minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Bert, on account of illness, was granted a leave of absence for the remainder of the day, on motion of Senator Mahoney.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 13, 1874; April 23, 1880.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

Assembly Bill No. 21—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

The Committee on Rules and Revision not having reported on bill, it was passed on file.

MOTION.

Senator Smith moved that the Senate take up Senate Bill No. 136 for further consideration.

So ordered.

SECOND READING OF BILL.

Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

During the second reading of bill the following amendments were submitted:

By Senator Boyce:

Amend Section 215 by adding on line 18, printed bill, after the words "in this Act," the following: "The Treasurer shall be allowed his actual traveling expenses necessarily incurred in his semi-annual settlements with the State Treasurer, as provided for by Section 3876 of the Political Code of this State."

Amendment temporarily withdrawn.

By Senator Seawell:

Amend Section 215 by inserting, after the word "institution," on line 36, printed bill, the words "not otherwise provided for by law."

Amendment adopted.

By the committee:

Amend Section 218, commencing with line 20, printed bill, by striking out all down to and including line 46.

Amendment adopted.

By Senator Morehouse:

Amend by striking out of Section 218, lines 1 and 2, the words "and chargeable."

Amendment lost.

Also: Amend Section 227, line 4, printed bill, by adding after the word "office" the words "nor fees or other compensation, shall be paid for service rendered in an affidavit, or application relating to the swearing of a pension, or the payment of a pension voucher or any matter relating thereto, nor filing nor swearing to any claim or demand against any county in this State."

Amendment adopted.

By the committee:

Amend Section 228, subdivision 2, line 6, printed bill, by inserting after the word "the" the following words: "detection of crime and."

Amendment adopted.

By Senator Smith:

Amend by striking out all of Section 233, and inserting in lieu thereof the following: SEC. 233. The provisions of sections one hundred and fifty-eight to two hundred and fourteen, inclusive, of this Act, so far as they change the compensation of any officer therein named, heretofore paid a fixed salary, and not fees or per diem, shall not affect incumbents, unless otherwise provided in any of said sections.

Amendment adopted.

By Senator Simpson:

Amend Section 159, subdivision 1, by striking out of line 9, printed bill, the words "and fifty," and inserting in lieu thereof the words "and thirty-five."

Amendment adopted.

Also: Amend Section 159, subdivision 1, by inserting in line 11, printed bill, after the word "supervisors," the words "at a salary of one hundred and twenty five dollars per month."

Amendment adopted.

Also: Amend by striking out in line 12, subdivision 1, Section 159, page 62, of the printed bill, the words "twenty-five," and insert in lieu thereof the word "fifteen."

Amendment adopted.

Also: Strike out of line 17 of said Section 159, page 62, the word "eighty," and insert the words "seventy-five."

Amendment adopted.

Also: Strike out of line 18 of Section 159, page 62, the word "fifty," and insert the words "forty-five."

Amendment adopted.

Hon. S. C. Smith, Senator from the Thirty-fourth Senatorial district, in the chair.

Also: Amend by striking out in line 31, subdivision 2, Section 159, page 62, of the printed bill, the word "fifty," and insert instead thereof the words "thirty-five."

Amendment adopted.

Also: Amend by striking out of line 34 the word "eighty," and insert "ninety" instead; and strike out of line 35 the word "five."

Amendment adopted.

Also: Amend by striking out in line 35, subdivision 2, Section 159, page 63, of the printed bill, the word "three," and insert instead thereof the word "four."

Amendment adopted.

Also: Amend by striking out in line 36, subdivision 2, Section 159, page 63, of the printed bill, the words "sixty-five," and insert instead thereof the word "seventy."

Amendment adopted.

Also: Amend by striking out of line 37, subdivision 2, Section 159, page 63, printed bill, the words "forty-five," and insert instead thereof the word "fifty."

Amendment adopted.

Also: Amend by striking out lines 38, 39, and 40, of subdivision 2, Section 159, page 63, of the printed bill, beginning with the word "two," and ending with the word "years."

Amendment adopted.

Also: Amend by striking out in line 66, subdivision 3, Section 159, page 63, of the printed bill, the words "and one half."

Amendment adopted.

Also: Amend by striking out in line 79, subdivision 4, Section 159, page 64, of the printed bill, the words "one deputy," and insert instead thereof the words "two deputies," and after the word "month," in line 80, insert the word "each."

Amendment adopted.

Also: Amend by inserting in line 90, subdivision 5, Section 159, page 64, of the printed bill, after the word "month," the words "also one deputy, at a salary of ninety dollars per month."

Amendment adopted.

Also: Amend by striking out the word "salary," in line 90, subdivision 5, Section 159, page 64, of the printed bill, and insert instead thereof the word "salaries."

Amendment adopted.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Also: Amend by striking out in line 91, subdivision 5, Section 159, page 64, of the printed bill, the words "chief deputy," and insert instead thereof the word "deputies."

Amendment adopted.

Also: Amend by striking out in line 96, subdivision 6, Section 159, page 64, of the printed bill, the word "also."

Amendment adopted.

Also: Amend by striking out in line 97, subdivision 6, Section 159, page 64, of the printed bill, the words "as license tax collector."

Amendment adopted.

Also: Amend by striking out in line 104, subdivision 6, Section 159, page 64, of the printed bill, the words "and one correspondent, at a salary of ninety dollars per month," and insert instead thereof the words "at a salary of ninety dollars per month, and two license inspectors, at a salary of seventy-five dollars per month each."

Amendment adopted.

Also: Amend by striking out in line 105, subdivision 6, Section 159, page 64, of the printed bill, the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

Also: Amend by striking out in line 123, subdivision 7, Section 159, page 65, of the printed bill, the word "sixty," and insert in lieu thereof the words "seventy-five."

Amendment adopted.

Also: Amend by striking out in line 124, subdivision 7, Section 159, page 65, the words "thirty-five," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also: Amend by striking out in line 161, subdivision 9, Section 159, page 66, of the printed bill, after the word "coroner," the words "such fees as are now or may be hereafter allowed by law," and insert instead thereof the words "three thousand dollars per

year and his actual necessary traveling expenses, when traveling outside of the county seat."

Amendment adopted.

Also: Amend by inserting in line 163, subdivision 9, Section 159, page 66, of the printed bill, after the word "Code," the words "except that he may, in his discretion, dispense with a jury."

Amendment adopted.

Also: Amend by striking out so much of subdivision 9, Section 159, page 66, of the printed bill, commencing on line 172, with the words "and the same," and ending with the words "is held," in line 181.

Amendment adopted.

Also: Amend by inserting in line 185, subdivision 11, Section 159, page 66, of the printed bill, after the word "annum," the words "and actual necessary traveling expenses, not to exceed five dollars each for every school visited by him in the county."

Amendment adopted.

Also: Amend by striking out in line 202, subdivision 12, Section 159, page 67, of the printed bill, the word "three," and insert instead thereof the word "five."

Amendment adopted.

Also: Amend by striking out in line 203, at the end thereof, subdivision 12, Section 159, page 67, of the printed bill, the word "one," and insert instead thereof the word "two."

Amendment adopted.

Also: Amend by adding two new subdivisions after subdivision 13 of Section 159, page 67, of the printed bill, to be known as subdivisions 14 and 15, as follows:

14. Justices of the Peace shall receive the same compensation and be paid in the same manner as is provided in subdivision thirteen of section one hundred and sixty-four of the County Government Act of eighteen hundred and ninety-three.

15. Constables shall receive the same compensation and be paid in the same manner as is provided in subdivision fourteen of section one hundred and sixty-four of the County Government Act of eighteen hundred and ninety-three.

Amendment adopted.

Also: Amend by striking out in line 216, subdivision 14, Section 159, page 67, of the printed bill, the figures "14," and insert instead thereof the figures "16."

Amendment adopted.

By Senator Stratton:

Amend Section 160 of Senate Bill No. 136 by striking out said section, and inserting in lieu thereof the following:

SEC. 160. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries:

1. The County Clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the County Clerk one chief deputy, whose salary is hereby fixed at the sum of sixteen hundred dollars per annum; four courtroom deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; and four deputies, whose salaries are hereby fixed at the sum of one thousand dollars per annum each; and one copyist, whose salary is hereby fixed at the sum of six hundred dollars per annum; the chief deputy, eight deputies, and one copyist herein provided for shall be appointed by the Clerk of said county, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of County Clerk.

2. The Sheriff, four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the Sheriff one Under-Sheriff, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one assistant jailer, whose

salary is hereby fixed at the sum of twelve hundred dollars per annum; and four deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; the Under-Sheriff, chief jailer, assistant jailer, and four deputies herein provided for shall be appointed by the Sheriff of said county, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Sheriff; *provided*, that in counties of this class the Sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the County Auditor a verified statement, showing the names of persons and amounts paid to each for expense of feeding such prisoners, and the Sheriff shall thereupon pay over to the County Treasurer, for the use of the county, any difference between the amount allowed for such purpose by the Supervisors and the amount actually expended by him therefor.

3. The Recorder, three thousand six hundred dollars per annum; *provided*, that there shall be and thereby is allowed to the Recorder one chief deputy, whose salary is hereby fixed at fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one mortgage deputy, whose salary is hereby fixed at twelve hundred dollars per annum; *provided further*, that the chief deputy, two deputies, and one mortgage deputy herein provided for shall be appointed by the Recorder of said county, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Recorder; *provided further*, that in counties of this class the Recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office, at a rate not exceeding six cents per folio for each paper or document so recorded; and *provided further*, that said Recorder shall file monthly, with the County Auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

4. The Auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Auditor one deputy, who shall be appointed by the Auditor of said county, and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one clerk, to serve for the period of six months in each year, at a compensation of seventy-five dollars per month, and such additional assistants as the Auditor may require, and whose compensation shall not in the aggregate exceed the sum of five hundred dollars per annum; and *provided*, that the Auditor shall file with the County Clerk a verified statement, showing in detail the amounts paid and the persons to whom said compensation is paid for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Auditor.

5. The Treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Treasurer one deputy, who shall be appointed by the Treasurer of said county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sum shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Treasurer.

6. The Tax Collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Tax Collector one chief deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the Tax Collector one extra deputy for the month of April of each year, whose salary shall be one hundred dollars for such month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and four extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and eight extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; *provided further*, that the chief deputy, and all other deputies herein provided for, shall be appointed by the Tax Collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Tax Collector.

7. The Assessor, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Assessor one chief deputy, whose salary is hereby fixed at eighteen hundred dollars per annum; one deputy, whose salary is hereby fixed at twelve hundred dollars per annum; and *provided further*, that there shall be and there hereby is allowed to the Assessor two poll-tax or other deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; five deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; four copyists, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; seven outside field deputies, whose salaries are hereby fixed at one hundred and twenty-five dollars per month each during the time which they shall hold office, as hereinafter provided; one cashier, whose salary is hereby fixed at one hundred dollars

per month during the time which he shall hold office, as hereinafter provided; one personal property tax collector, who shall hold office for the period of four months, as determined by the Assessor, and at a compensation of one hundred dollars per month; and three extra deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; *provided*, that the chief deputy, personal property tax collector, all other deputies, all copyists, and cashier herein provided for shall be appointed by the Assessor of said county; *provided further*, that the one chief deputy, one deputy, two poll-tax or other deputies, five deputies, four copyists, seven outside field deputies, personal property tax collector, cashier, and three extra deputies herein provided for shall be paid during the time which they shall hold office as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Assessor; *provided further*, that the two poll-tax deputies, five deputies, four copyists, seven outside field deputies, one personal property tax collector, and three extra deputies herein provided for shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday of July of each year; and the cashier herein provided for shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday of August of each year.

It is hereby further provided, that in counties of this class the Assessor shall receive no commission for his collection of taxes on personal property, nor shall such Assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said Assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty, as provided by Section 1901 of the Political Code; *provided, however*, that should the Assessor be directed by any law, or by any order of the Board of Supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, block books for the use of the county, or assessment rolls for the use of any municipality, then said Assessor shall only receive the actual cost by him incurred in making or preparing such maps, plats, block books, or assessment rolls; *and provided further*, that he shall file with the County Auditor a sworn statement, showing the persons to whom, and the amounts paid to each, for such maps, plats, block books, or any such assessment rolls, and that he shall account forthwith and pay over to the county any difference between such cost and the amount so allowed by him for such work; *and provided further*, that in counties of this class the Board of Supervisors is hereby authorized, whenever in their opinion such a course is necessary, upon a petition therefor and showing made to their satisfaction by such Assessor, to permit him to employ extra deputies or assistants, in addition to the deputies, assistants, allowance, and compensation above set forth; *provided*, that such extra deputies or assistants so allowed to such Assessor shall not be allowed in any one year the sum of two thousand five hundred dollars per annum, nor shall the compensation, salary, or allowance of any such extra assistants or deputies exceed the sum of one hundred dollars per month each; *and provided further*, that the Assessor shall file with the County Clerk a verified statement, showing the persons to whom such compensation has been paid, and the amount paid to each.

8. The District Attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the District Attorney one Chief Deputy District Attorney, whose salary is hereby fixed at two thousand dollars per annum; one Assistant District Attorney, whose salary is hereby fixed at fifteen hundred dollars per annum; one Deputy District Attorney, whose salary is hereby fixed at twelve hundred dollars per annum, and one clerk, whose salary is hereby fixed at the sum of six hundred dollars per annum; *provided further*, that the Chief Deputy District Attorney, Assistant District Attorney, and Deputy District Attorney, and clerk shall be appointed by the District Attorney, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the District Attorney.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, three thousand six hundred dollars per annum; *provided*, that the office of such official shall be kept open the same as other public offices in the county; *and provided further*, that out of his compensation he shall pay all assistants by him required for the proper conduct and discharge of his duties.

12. The Surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the Surveyor is directed or charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such County Surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the Board of Supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further*, that such County Surveyor shall file with the County Auditor a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

13. In townships having a population of forty thousand and over, Justices of the Peace of said township shall receive a salary of two thousand dollars per year, in full for all services rendered or to be rendered by them in criminal cases or proceedings, or

cases or proceedings to which the State or county shall be a party, and in all civil business; and *provided*, that all fees received by them which may now or which may hereafter be allowed by law shall be accounted for and paid over by them to the county.

(2) In all other townships, in counties of this class, the Justices of the Peace shall receive such fees as are now or may hereafter be allowed by law. Each Justice of the Peace must keep a book, open for the inspection of the public during office hours, in which must be entered, and in detail, the amounts of all fines received by him in criminal cases, and all fees received, and on the first Monday of each and every month he must pay such fines and fees so collected (less the amount now provided by law to be paid to some other officer or person, or to be retained by such justice) into the county treasury, for the benefit of the county.

14. Constables, such fees as are now or may hereafter be allowed by law: *provided*, that in townships having a population of forty thousand or over, the Constables shall not receive any fees or compensation in excess of the sum of fifteen hundred dollars per annum in any one year in the aggregate, nor more than the sum of one hundred and twenty-five dollars in any one month; *provided*, that such Constables shall file, on the first Monday of each month, a sworn statement, showing the amount of fees, in detail, collected by him, and shall thereupon turn over and pay into the county treasury, for the benefit of the county, the excess of such sum of one hundred and twenty-five dollars per month, or fifteen hundred dollars per year.

For the purpose of regulating the compensation of Justices of the Peace and Constables, as provided in this and the foregoing section, townships in this class of counties are hereby classified according to their population, as shown and ascertained by the Federal census of eighteen hundred and ninety.

15. Each Supervisor, one hundred and twenty-five dollars per month and mileage, at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month.

16. All deputies and assistants hereinbefore provided for shall be appointed by their respective principals, and the salaries of all deputies and assistants shall be paid in the same manner and out of the same fund as the salaries of their respective principals.

17. All Acts and parts of Acts giving to any of the officers enumerated in this section any additional or other compensation, deputies, clerks, or assistants, are hereby repealed.

18. This section shall be in force and effect from and after the first Monday after the first day of January, eighteen hundred and ninety-nine.

By Senator Beard:

Amend the amendment by striking out of line 1, Section 160, subdivision 7, the word "five," and inserting in lieu thereof the word "four."

The ayes and noes were demanded by Senators Stratton, Dickinson, and Shippee.

The roll was called, and the amendment to the amendment adopted by the following vote:

AYES—Senators Aram, Beard, Bulla, Denison, Dickinson, Dwyer, Flint, Gillette, Gleaves, Jones, Langford, Luchsinger, Mahoney, Pedlar, Shine, Toner, Trout, Voorheis, and Withington—19.

NOES—Senators Androus, Boyce, Braunhart, Chapman, Doty, Feeney, Hall, Henderson, Holloway, La Rue, Linder, Morehouse, Shippee, Simpson, and Stratton—15.

The question recurring on the adoption of the original amendment as amended, the same was put.

Amendment as amended adopted.

By Senator Morehouse:

Amend by adding to Section 161, line 61, subdivision 15, after the word "seat," the words "for each trip when attending the county seat upon official business, such sum not to exceed the sum of forty-five dollars per month."

Amendment adopted.

Also: Amend by striking out of Section 161, line 46, in subdivision 13, after the word "from," the words "both civil and."

Amendment adopted.

By Senator Doty:

Amend by striking out of Section 162, in lines 19, 20, 21, and 22, all after the word "annum," in subdivision 3, line 19.

Amendment adopted.

By the committee:

Amend Section 162 by striking out all of subdivision 1, and inserting therefor the following:

1. The County Clerk, three thousand dollars per annum; *provided*, he shall appoint one chief deputy at a salary of fifteen hundred dollars per annum, one additional deputy at a salary of nine hundred dollars per annum, and three court-room clerks at a salary of twelve hundred dollars each per annum. The salaries of each of said deputies and clerks to be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid.

Amendment adopted.

Also: Amend Section 162, by striking out all of subdivision 2, and inserting in lieu thereof the following:

1. The Sheriff, nine thousand dollars per annum, and one deputy sheriff at a salary of one thousand five hundred dollars, to be paid at the same time and in the same manner as other county officers are paid, being the same deputy allowed sheriffs under and by virtue of section two hundred and sixteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three, and such fees and mileage as are now or hereafter may be provided by law for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment or levied on under execution; *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued, under which the property was taken.

Amendment adopted.

Also: Amend Section 162 by striking out all of subdivision 6 after the word "collector," and insert in lieu thereof the following: "two thousand five hundred dollars."

Amendment adopted.

By Senator Holloway:

Amend Section 163, line 68, printed bill, by adding the following thereto: "and one deputy at a salary of six hundred dollars per annum."

Amendment adopted.

Also: Amend by striking out of Section 163, line 44, the words "one thousand two hundred," and inserting the following: "two thousand," in lieu thereof.

Amendment adopted.

By Senator Langford:

Amend Section 164, subdivision 1, line 5, by striking out the words "two thousand seven hundred and fifty," and inserting in lieu thereof the words "three thousand five hundred."

Amendment adopted.

Also: Strike out subdivision 13, and insert the following:

13. Justices of the Peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz.: In townships having a population of more than six hundred and less than one thousand two hundred, five dollars per month; in townships having a population of more than one thousand two hundred and less than one thousand six hundred, twenty-five dollars per month; in townships having a population of more than one thousand six hundred and less than one thousand eight hundred, three dollars and fifty cents per month; in townships having a population of more than one thousand eight hundred and less than two thousand, seven dollars and fifty cents per month; in townships having a population of more than two thousand and less than three thousand, thirty dollars per month; in townships having a population of more than three thousand and less than eight thousand, sixty-five dollars per month; in townships having a population of more than eight thousand, seventy-five dollars per month. Justices of the Peace in counties of this class shall also receive, for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases.

Amendment adopted.

Also: Strike out subdivision 14, and insert the following:

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as county officers are paid, viz.: In townships having a population of more than six hundred and less than one thousand two hundred, five dollars per month; in townships having a population of more than one thousand two hundred and less than one thousand six hundred, twenty-five dollars per month; in townships having a population of more than one thousand six hundred and less than one thousand eight hundred, seven dollars and fifty cents per month; in townships having a population of more than one thousand eight hundred and less than two thousand, seven dollars and fifty cents per month; in townships having a population of more than two thousand and less than three thousand, thirty dollars per month; in townships having a population of more than three thousand and less than eight thousand, sixty-five dollars per month; in townships having a population of more than eight thousand, seventy-five dollars per month. Constables shall also receive for their own use and benefit such fees as are now or hereafter may be allowed by law, for mileage in criminal cases, and shall also receive such fees as are now or hereafter may be allowed by law in civil cases.

Amendment adopted.

Also: Amend Section 164, subdivision 16, lines 50 and 51, by striking out the words "and in the aggregate not more than five hundred dollars per annum."

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 165, lines 24 and 25, the words "such fees as are now or may hereafter be allowed by law," and inserting the following: "two thousand dollars per annum, which shall be in lieu of all fees and per diem now allowed by law."

Amendment adopted.

Also: Amend by striking out of Section 165, line 27, the words "*provided, however,* that no more than seventy-five dollars, in any one month, shall be allowed out of the county treasury for misdemeanor cases."

Amendment adopted.

Also: Amend by adding in Section 165, line 29, the words "*provided, however,* that no more than seventy-five dollars in any one month shall be allowed out of the county treasury for misdemeanor cases."

Amendment adopted.

Also: Amend by inserting in Section 165, line 30, before the words "the Supervisors," the following: "each member of the Board of" and by striking out the word "the."

Amendment adopted.

Also: Amend Section 165, line 37, by inserting the following words: "lunacy and" after the word "all."

Amendment adopted.

Also: Amend by striking out of Section 165, line 26, the word "the" and making "constable" read "constables."

Amendment adopted.

By Senator Pedlar:

Amend by striking out Section 166 of printed bill, and inserting the following in lieu thereof:

SEC. 166. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of fifteen hundred dollars per annum, one at a salary of twelve hundred dollars, three deputies each at a salary of nine hundred and sixty dollars, and one at a salary of seven hundred and twenty dollars per annum.

2. The Sheriff, six thousand dollars per annum, and all fees for service of process issued without his county. He shall have an Under-Sheriff, whose annual salary shall

be eighteen hundred dollars, two deputies whose annual salary shall be twelve hundred dollars each, and four deputies whose annual salary shall be nine hundred and sixty dollars each.

3. The Recorder, two thousand dollars per annum. He shall have one deputy, whose salary shall be twelve hundred dollars per annum, and two deputies, who shall each receive nine hundred and sixty dollars per annum.

4. The Auditor, two thousand dollars per annum, and one clerk at a monthly salary of eighty dollars. The Auditor shall also have one deputy, at an annual salary of twelve hundred dollars.

5. The Treasurer, two thousand dollars per annum. He shall have a deputy at a salary of twelve hundred dollars per annum.

6. The Tax Collector, two thousand dollars per annum. He shall have one deputy, who shall receive twelve hundred dollars per annum, and two deputies, each at an annual salary of nine hundred and sixty dollars.

7. The Assessor, two thousand five hundred dollars per annum. He shall have one deputy at a salary of nine hundred and sixty dollars per annum, and six deputies, whose per diem shall be four dollars each when actually employed, between the first Monday in March and the first Monday in June.

8. The District Attorney, three thousand dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars, and one deputy at a salary of twelve hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars. The Superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The Surveyor, two thousand dollars per annum, and his actual expenses when at work in the field.

13. Justices of the Peace, the fees allowed by law.

14. Constables, the fees allowed by law.

15. Each Supervisor, six dollars per day when the board is necessarily in session, and twenty cents for each mile traveled by the ordinary route in going from his residence to the county seat, once during each meeting.

When traveling by order of the board upon county business, each Supervisor shall be allowed his actual itemized expenses. For all services as Road Commissioner each Supervisor shall receive not to exceed five hundred dollars per annum, but for all services rendered by virtue of his office, including mileage, no Supervisor shall be allowed more than fifteen hundred dollars in any one year.

16. The official reporters of the Superior Court, in counties of this class, shall receive as full compensation for taking notes when his services are demanded in civil cases, and in all criminal cases tried in said court, a monthly salary of one hundred and fifty dollars, payable out of the county treasury, in the same manner as salaries of county officers are paid. For transcription of said notes, when required, he shall receive ten cents per folio for the original, and five cents per folio for the first copy. The compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases or proceedings, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or by both parties, as the court may direct. When the services of the reporter are demanded in any civil matter, the clerk shall collect, each day, in advance, five dollars from the party demanding the same, and shall pay the same into the county treasury on the first Monday of each month.

Amendment adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Assembly Bill No. 134 ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 469—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552,

1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYCE, Chairman.

Senate Bill No. 469 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 460—An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State.

Also: Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

Also: Senate Bill No. 591—An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.

Also: Senate Bill No. 248—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895.

Also: Senate Bill No. 375—An Act to amend Section 3446 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the formation of reclamation districts.

Also: Senate Bill No. 376—An Act to amend Section 5 of an Act entitled "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

Also: Senate Bill No. 447—An Act to provide for the payment of swamp and overflowed land funds into the treasury of the counties in which said swamp and overflowed lands are situated.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ARAM, Chairman.

Senate Bills Nos. 460, 491, 591, 248, 375, 376, and 447 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: A majority of your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 263—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices' Courts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

THE SAN FRANCISCO DELEGATION—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: We, a minority of the San Francisco Delegation, to whom was referred Senate Bill No. 263—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices' Courts—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BRAUNHART.
WOLFE.

Senate Bill No. 263 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 70—An Act to amend Section 165 of the Code of Civil Procedure of the State of

California, relating to the powers of Justices of the Peace to call in other Justices of the Peace to act in their place and stead.

Also: Assembly Bill No. 416—An Act to amend Section 389 of the Code of Civil Procedure.

Also: Senate Bill No. 396—An Act to amend "An Act amendatory of an Act entitled 'An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining,'" approved March 30, 1874.

Also: Senate Bill No. 366—An Act entitled an Act to amend the Political Code, by adding a new section requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

Also: Senate Bill No. 367—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Also: Senate Bill No. 409—An Act to amend Section 718 of the Civil Code of the State of California, relative to leases of city lots.

Also: Senate Bill No. 553—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks and the sale of goods bearing counterfeited trademarks, and other infringement of the rights of trademarks.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 335—An Act to amend Section 729 of the Code of Civil Procedure, relating to the compensation for commissioners' services in the foreclosure of mortgages, approved March 9, 1893.

Also: Senate Bill No. 587—An Act to amend Section 595 of the Civil Code of the State of California, relating to religious, social, and benevolent associations.

Also: Senate Bill No. 617—An Act to amend Section 717 of the Civil Code of the State of California, relative to leases of lots.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw the same.

Also: Assembly Bill No. 417—An Act to amend Section 396 of the Code of Civil Procedure—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 336—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SIMPSON, Chairman.

Assembly Bills Nos. 70, 416, and 417, and Senate Bills Nos. 396, 335, 587, 617, 366, 367, 409, 553, and 336, ordered on file for second reading.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred that part of pages 97 and 98 of the Governor's message relating to coyote scalps, respectfully report that the committee has not considered the same, for the reason that the bill appropriating money therefor was referred to the Committee on Finance, and recommend that said portion of the Governor's message be also referred to the Committee on Finance.

Also: Senate Bill No. 59—An Act to pay the claim of Mrs. Sarah H. Wing against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 209—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Also: Senate Bill No. 210—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Also: Senate Bill No. 216—An Act making an appropriation to pay the claims of the State Board of Health, for traveling expenses.

Also: Senate Bill No. 223—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond.

Also: Senate Bill No. 241—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture, etc.

Also: Senate Bill No. 242—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners.

Also: Senate Bill No. 243—An Act making an appropriation to pay the deficiency in the appropriation for care of State Burial Grounds, for services rendered by W. C. Farnsworth.

Also: Senate Bill No. 400—An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands.

Also: Senate Bill No. 575—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Assembly Bill No. 227—An Act making an appropriation to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895.

Also: Senate Bill No. 303—An Act making an appropriation to pay the sum fixed, awarded, and allowed by the State Board of Examiners, as fees for services to date, of the additional counsel employed to assist the Attorney-General in the defense of the suit brought in the United States Circuit Court for the Northern District of California by the Southern Pacific Company against the Board of Railroad Commissioners of the State of California.

Have had the same under consideration, and amended them, and respectfully report the same back, and recommend that they do pass as amended, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 49—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 52—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 54—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation thereof.

Also: Senate Bill No. 287—An Act for the relief of Charles F. Wells, and to appropriate money therefor.

Also: Senate Bill No. 439—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate the money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, for the reason that this committee believes it has no authority in law to allow the same; and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

The undersigned, member of the committee, desires to file a minority report, and recommend that Senate Bills Nos. 49, 52, 54, 287, and 439 do pass.

HALL.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 244—An Act making an appropriation to pay the claim of Sarah H. Wing, for the killing of her husband, O. H. Wing—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same, as it is covered by Senate Bill No. 59, this day reported back with a favorable recommendation.

BULLA, Chairman.

That part of pages 97 and 98 of the Governor's Message, relating to coyote scalps, and Senate Bills Nos. 59, 209, 210, 216, 223, 241, 242, 243, 400, 575, 303, 49, 52, 54, 287, 439, and 244, and Assembly Bill No. 227, re-referred to the Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 442—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1792½ thereof, relating to the sale of the interest of a ward in homestead property.

Also: Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Also: Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

Also: Senate Bill No. 463—An Act to amend Section 1114 of the Political Code of the State of California, relating to registration.

Also: Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns, in road districts where the population is at least five hundred, and the manner of ascertaining said population.

Also: Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions.

Also: Substitute for Senate Bill No. 182—An Act to provide for the inspection of dairies, factories, or dairy products, and of dairy products as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk, and the product of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to dairy stock, and to appropriate money therefor.

JONES, Chairman.

MOTION.

Senator Withington moved that the following statement be read and printed in the Journal.

So ordered.

Comparative statement of three items of Senate expenditures for first thirty days—thirty-first and thirty-second sessions:

Paid from contingent expenses of Senate for employés, 1895	\$20,491 00	
Paid from contingent expenses of Senate for employés, 1897	12,745 00	
Saving, 1897 over 1895		\$7,706 00
Traveling expenses, Senate committees, 1895	\$1,421 20	
Traveling expenses, Senate committees, 1897	1,116 10	
Saving, 1897 over 1895		305 10
Senate printing, 1895, approximate	\$14,229 12	
Senate printing, 1897, exact	8,087 30	
Saving, 1897 over 1895		6,141 82
Total saving of Senate of 1897 over Senate of 1895 on three items		\$14,152 92
The expense of the legislative committee on legislative business was \$1,966 67.		

SPECIAL ORDER RESET.

On motion of Senator Withington, the further consideration of Senate Bill No. 136 was made a special order for to-morrow, immediately after approval of Journal.

RESOLUTION—(OUT OF ORDER).

Senator Mahoney offered the following resolution, and moved its adoption:

Resolved, That the testimony taken by the stenographer before the joint committees of the Senate and the Assembly, the San Francisco Delegation, on the hearing of substitute to Senate Bill No. 30, be written out and printed in pamphlet form.

Resolution refused adoption.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator Dwyer: Senate Bill No. 663—An Act to provide for the working, dressing, and carving of stone for public work.

Referred to the Committee on Labor and Capital.

By Senator Boyce: Senate Bill No. 664—An Act to amend Section 855 of an Act entitled "Municipal Corporation Bill—An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to the Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 665—An Act to amend an Act entitled "An Act to prevent the sale of short-weight rolls of butter," approved March 11, 1893.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Aram: Senate Bill No. 666—An Act to amend Section 1670 of the Political Code of California.

Referred to the Committee on Education and Public Morals.

By Senator Toner: Senate Bill No. 667—An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines.

Referred to the Committee on Corporations.

By Senator Pedlar: Senate Bill No. 668—An Act to amend Section 599 of the Civil Code, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation by corporations for purposes other than profit.

Referred to the Committee on Judiciary.

By Senator Henderson: Senate Bill No. 669—An Act to amend Section 842 of the Code of Civil Procedure.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinnes.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Androus: Senate Bill No. 671—An Act providing for the publication of the laws in the newspapers.

Referred to the Committee on Finance.

By Senator Linder: Senate Bill No. 672—An Act to regulate the business of firms, persons, or corporations engaged in the business of furnishing gas to consumers for lighting and heating purposes.

Referred to the Committee on Corporations.

By Senator Bulla: Senate Constitutional Amendment No. 31—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the Judiciary Department.

Referred to the Committee on Constitutional Amendments.

ADJOURNMENT.

At four o'clock and twenty-seven minutes P. M., on motion of Senator Mahoney, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 10, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Monday, February 8, 1897, was approved.

RESOLUTION.

The following resolution was offered by Senator Bulla:

Resolved, That as Albert Lindley has resigned as History Clerk of the Senate, Albert Searles be and he is hereby appointed to the position made vacant by said resignation, at the same per diem as allowed by law.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL ORDERS.

The consideration of Senate Bill No. 136 having been previously set for this hour, the same was taken up.

SECOND READING OF BILL.

Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

During the second reading of the bill, the following amendments were submitted:

On yesterday the question of adopting the following amendment was temporarily passed:

By Senator Boyce:

Amend Section 215, by adding on line 18, printed bill, after the words "in this Act," the following: "The Treasurer shall be allowed his actual traveling expenses necessarily incurred in his semi-annual settlements with the State Treasurer, as provided for by section thirty-eight hundred and seventy-six of the Political Code of this State."

Amendment lost.

By the committee:

Amend Section 167 by substituting the following therefor:

Sec. 167. Counties of the tenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand three hundred dollars per annum, and the sum of five hundred dollars for making a great register when so ordered by the Board of Supervisors.

2. The Sheriff, five thousand five hundred dollars per annum, and all commissions, fees, and mileage, for the service of papers or process coming from courts other than those of his own county.

3. The Recorder, fifteen hundred dollars per annum; six cents per folio for recording.

4. The Auditor, one thousand six hundred and fifty dollars per annum.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, two thousand dollars per annum; ten per cent of all license collections.

7. The Assessor, five thousand five hundred dollars per annum. In counties of this class the Assessor shall not receive any commission for the collection of State poll tax, or for the collection of unsecured personal property tax, nor the five dollars per hundred names for making the military roll.

8. The District Attorney, three thousand dollars per annum; *provided*, that this salary shall include the compensation of an assistant, or of deputies, if any.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, one thousand five hundred dollars per annum and actual traveling expenses.

12. The Surveyor, one thousand five hundred dollars per annum and actual traveling and other expenses while in the field.

13. The Justices of the Peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand and over, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars per month; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month; in townships having a population of eight hundred and less than one thousand, twenty dollars per month; in townships having a population of five hundred and less than eight hundred, fifteen dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to above salaries, each Justice of the Peace shall collect for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

14. Constables. The following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, one hundred dollars per month; in townships having a population of one thousand five hundred and less than five thousand, sixty dollars per month; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars per month; in townships having a population of eight hundred and less than one thousand, thirty dollars per month; in townships having a population of five hundred and less than eight hundred, fifteen dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each Constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

The population of townships shall, for the purpose of this section, be determined by multiplying the vote for Governor, cast in each township at the next preceding election, by five.

15. The Supervisors, each the sum of six hundred dollars per annum and eight cents per mile each way for traveling from his residence to the county seat, for the purpose of attending sessions of the board.

Each Supervisor shall receive for his services as Road Commissioner, twenty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not receive in any one year more than five hundred dollars.

16. The official reporter of each department of the Superior Court shall receive as full compensation for taking notes in civil and criminal cases tried in said courts, and when requested by a Justice of the Peace or Coroner, in preliminary examinations or inquests, a salary of one thousand dollars per annum, payable in equal monthly installments, out of the county treasury, at the same time and in the same manner as the salaries of other county officers; and for transcription of said notes, when required, they shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy, and also actual traveling expenses, when reporting outside of the county seat. Said compensation for transcribing in criminal cases, preliminary examinations, and inquests, and traveling expenses, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the Judge, by either party, or jointly by both parties, as the court may direct.

17. If any irrigation district or districts, city or cities, in counties of this class shall elect to consolidate the offices of Assessor, Tax Collector, or Treasurer, or either of them with such county officers as may be provided by law, the County Auditor shall make, and file with the Board of Supervisors of such counties on the first Monday of each month, an estimate of the actual expense and cost for such additional service to the County Assessor, County Tax Collector, County Treasurer, and County Auditor, and such Board of Supervisors shall audit such cost bill for such amounts as to them shall seem just and reasonable, and shall direct that the same be paid from any moneys in the hands of the County Treasurer belonging to such irrigation districts or city, on the warrant of the County Auditor, to such persons as may be entitled to the same, as shown by such monthly cost bill, which the said amounts shall be payment in full for such additional service so rendered.

18. All portions of this section referring to the salaries of Surveyor, Justices of the Peace, Constables, and mileage of Supervisors, shall take effect and be in full force from and after the passage of this Act.

By Senator Jones:

Amend committee amendment by striking out of Section 167, subdivision 6, the words "ten per cent of all license collections."

Amendment to amendment adopted.

Also: Amend committee amendment by striking out of Section 167, subdivision 13, the word "and" in last clause.

Amendment to amendment adopted.

Amendment as amended adopted.

By the committee:

Amend Section 168 by substituting the following therefor:

SEC. 168. In counties of the eleventh class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum.
 2. The Sheriff, five thousand dollars per annum.
 3. The Recorder, two thousand four hundred dollars per annum; *provided*, that such Recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than four hundred dollars in any month, the Recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of four hundred dollars in any month so collected. But the amount of fees thus received by the Recorder for his own use, plus his salary, shall not exceed the sum of four thousand dollars in any one year.
 4. The Auditor, one thousand two hundred dollars per annum.
 5. The Treasurer, two thousand dollars per annum.
 6. The Tax Collector, two thousand eight hundred dollars per annum.
 7. The Assessor, four thousand dollars per annum.
 8. The District Attorney, two thousand dollars per annum.
 9. The Coroner, such fees as are now or may hereafter be allowed by law.
 10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
 11. The Superintendent of Schools, two thousand dollars per annum.
 12. The Surveyor, fifteen hundred dollars per annum, and necessary traveling expenses while in the performance of the duties of his office.
 13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
 14. Constables, such fees as are now or may hereafter be allowed by law.
 15. Supervisors, each the sum of six hundred dollars per annum, and actual mileage not to exceed in any one year the sum of one hundred dollars. Each Supervisor shall receive for his services as Road Commissioner, twenty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not receive in any one year more than five hundred dollars. This Act, as far as it relates to the compensation of Supervisors as Road Commissioners, shall take effect immediately after the passage of this Act.
- The Board of Supervisors may, when requested by the reporter of the Superior Court, and recommended by the judge thereof, allow such reporter such monthly salary as may be deemed reasonable, but which shall not be less than sixty dollars, in lieu of the fees which now are or which may hereafter be allowed by law to him as a charge against the county for attendance on said Superior Court reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

SEC. 2. This Act, so far as it relates to the salaries of county and township officers in counties of the eleventh class, shall take effect on the first day of January, eighteen hundred and ninety-nine.

Adopted.

By Senator Gillette:

Amend the amendment by striking out of Section 168, subdivision 15, all that portion relating to the salary and duties of the official reporter of the Superior Court, and inserting in lieu thereof the following:

In counties of the eleventh class the official reporter of the Superior Court shall receive for attending court, taking notes, and reporting cases tried therein, a salary of one hundred and eighty dollars per month, payable at the same time and in the same manner as the salary of other county officers, and for transcription of notes when required he shall receive the sum of ten cents per folio for the original, and five cents per folio for copies; the compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors, as other claims against the county, and paid out of the county treasury; and in civil cases or proceedings to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both parties, as the court may direct.

Amendment to amendment adopted.

Amendment as amended adopted.

By the committee:

Amend Section 169, substituting the following therefor:

Sec. 169. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars, five hundred dollars for new register, per annum.
2. The Sheriff, four thousand five hundred dollars, six hundred dollars extra for branch jailer, per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, eighteen hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, fifteen hundred dollars per annum.
7. The Assessor, twenty-four hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, five hundred dollars per annum.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto, all necessary expenses, such as transportation of instruments and pay of help which may be necessary for the performance of county work.
13. Justices of the Peace, one for each township under three thousand population, and salaries as per schedule.
14. Constables, same as per justices, as to number.

15. Each member of the Board of Supervisors, five hundred dollars for all services rendered and including mileage; *provided*, that when required to go on business to any point outside of said county they shall be allowed actual necessary expenses.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases, tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of twelve and a half cents per folio for the original and six cents per folio for a copy. Said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. Members of the County Board of Education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

By Senator Luchsinger:

Amend the amendment by striking out of Section 169, line 70, the words "five hundred" (as amended), and inserting the following: "six hundred."

Amendment to amendment adopted.

Also: Amend by striking out of Section 169, line 14, the words "two thousand," and inserting the following: "two thousand two hundred and fifty."

Amendment to amendment adopted.

Amendment as amended adopted.

By the committee:

Amend Section 170 by substituting the following therefor:

Sec. 170. In counties of the thirteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum.
2. The Sheriff, five thousand dollars per annum, and mileage for the service of any and all process required by law to be served by him, at the rate of ten cents per mile, for every mile necessarily traveled in the performance of such duty.
3. The Recorder, fifteen hundred dollars per annum, and five cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid out of the county treasury.
4. The Auditor, fifteen hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, two thousand five hundred dollars per annum.
7. The Assessor, three thousand dollars per annum.
8. The District Attorney, three thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter be allowed by law; *provided*, that the fees and compensation of any Justice of the Peace in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed seventy-five dollars for any one month.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that the fees and compensation of any Constable in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed seventy-five dollars for any one month.

15. Supervisors, one thousand dollars per annum each for all services performed by them as Supervisors and members of the Board of Equalization and as Road Commissioners.

16. In counties of this class the official reporter of the Superior Court shall receive as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the Judge, by either party, or jointly by both parties, as the Court may direct. Whenever the services of a reporter are demanded in a civil action or proceeding, he shall collect in advance from the parties thereto, and pay into the county treasury, the sum of five dollars for each day's services in taking notes.

No fees shall be allowed the Sheriff or Tax Collector for collecting licenses in counties of this class.

This section shall take effect immediately.

By Senator Linder:

Amend the amendment to read as follows:

SEC. 170. In counties of the thirteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum.

2. The Sheriff, five thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

3. The Recorder, fifteen hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid by the County Treasurer out of the county treasury.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, three thousand two hundred dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

8. The District Attorney, three thousand two hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. The Justices of the Peace, such fees as are now or may be hereafter be allowed by law; *provided*, that the fees and compensation of any Justice of the Peace in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed seventy-five dollars for any one month.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that the fees and compensation of any Constable in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed seventy-five dollars for any one month.

15. Each Supervisor, one thousand dollars per annum, for all services performed by them as Supervisors and members of the Board of Equalization, and as Road Commissioners.

16. In counties of this class the official reporter of the Superior Court shall receive as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either

party, or jointly by both parties, as the court may direct. Whenever the services of a reporter are demanded in a civil action or proceeding, he shall collect in advance from the parties thereto, and pay into the county treasury, the sum of five dollars for each day's services in taking notes.

No fees shall be allowed the Sheriff or Tax Collector for collecting licenses in counties of this class.

This section shall take effect immediately.

Amendment to amendment adopted.

Amendment as amended adopted.

By the committee:

Amend Section 171 by substituting the following therefor:

SEC. 171. In counties of the fourteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, three thousand five hundred dollars per annum.
8. The District Attorney, twenty-four hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, seven dollars and fifty cents per day, not to exceed ten working days each month.

This Act shall take effect and be in force on and after January 1, 1899, except that portion which refers to salary of Board of Supervisors, which shall take effect immediately.

By Senator Shippee:

Amend the amendment by adding to subdivision 14 of Section 171, after the word "law," the following words: "not to exceed the sum of eighty dollars per month."

Amendment to amendment adopted.

Also:

Amend the amendment by striking out of subdivision 4 of Section 171 the words and figures "one thousand five hundred (\$1500)," and inserting in lieu thereof the words and figures "one thousand two hundred (\$1200)."

Amendment to amendment adopted.

Amendment as amended adopted.

By the committee:

Amend Section 172 by substituting the following therefor:

SEC. 172. In counties of the fifteenth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, sixteen hundred dollars per annum, and twelve hundred dollars per annum for deputies.
2. The Sheriff, twenty-five hundred dollars, and Under-Sheriff at one thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum; no deputies.
6. The Tax Collector, fifteen hundred dollars per annum; no deputies.
7. The Assessor, eighteen hundred dollars, and four deputies at one hundred dollars per month.
8. The District Attorney, eighteen hundred dollars per annum; no deputies.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, seventeen hundred dollars, and three hundred dollars mileage per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, fees as are now or may hereafter be allowed by law.
14. Constables, fees as are now or may hereafter be allowed by law.
15. Each member of the Board of Supervisors, nine hundred dollars per annum.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of eighty-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

By Senator Trout:

Amend the amendment by striking out of subdivision 7 of Section 172 the words "one thousand eight hundred," and inserting in lieu thereof the words "two thousand."

Amendment to amendment adopted.

Amendment as amended adopted.

By the committee:

Amend Section 173 by substituting the following therefor:

SEC. 173. In counties of the sixteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, fifty-five hundred dollars per annum.
3. The Recorder, thirty-two hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, twenty-five hundred dollars per annum.
6. The Tax Collector, six hundred and fifty dollars per annum.
7. The Assessor, five thousand dollars per annum.
8. The District Attorney, twenty-five hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each Supervisor, six hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.

16. In counties of this class, the official reporter of the Superior Court, such fees as hereafter allowed by law.

Amendment adopted.

By the committee:

Amend Section 174, printed bill, by substituting the following therefor:

SEC. 174. In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, two thousand dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, fourteen hundred dollars per annum.
4. The Auditor, fifteen hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector and License Collector, two thousand dollars per annum, which shall be in full for all services as Tax and License Collector.
7. The Assessor, fifteen hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fourteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, five hundred dollars per annum, and ten cents per mile mileage in traveling to and from their respective residences to the county seat.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of sixty dollars, payable out of the county treasury, at the same time

and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

By Senator Seawell:

Amend the amendment so as to read as follows:

SEC. 174. In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, two thousand dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, sixteen hundred dollars per annum.
4. The Auditor, fifteen hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector and License Collector, two thousand dollars per annum, which shall be in full for all services as Tax and License Collector.
7. The Assessor, fifteen hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, sixteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat, and when serving as Road Commissioner, five dollars per day. But he shall not, in any one year, receive more than three hundred dollars as Road Commissioner.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of sixty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the Court may direct.

Amendment to amendment adopted.

Amendment as amended adopted.

By Senator Flint:

SEC. 175. In counties of the eighteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, thirty-five hundred dollars per annum. The Sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions, and mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the State outside of his county.
3. The Recorder, twenty-seven hundred dollars per annum.
4. The Auditor, one thousand two hundred dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, one thousand eight hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, sixteen hundred and fifty dollars per annum, and he shall receive no extra compensation for his services on the Board of Education.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. The Supervisors, each the sum of five dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat at each session of the board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

Amendment adopted.

By Senator Smith:

Amend Section 176, line 16, printed bill, by striking out the words "one thousand five hundred," and inserting in lieu thereof the words "two thousand."

Amendment adopted.

By Senator Jones:

Amend Section 178 of bill by substituting the following therefor:

SEC. 178. In counties of the twenty-first class, county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, forty-three hundred dollars per annum, and all commissions, fees, and mileage for the service of papers or process coming from courts other than those of his own county.
3. The Recorder, twelve hundred dollars per annum, and five cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid out of the county treasury.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, twenty-five hundred dollars per annum; *provided*, that after the expiration of the present term of office, the office of Tax Collector and Treasurer shall be consolidated, and the Tax Collector shall be ex officio County Treasurer, and shall perform the duties of Treasurer, and shall receive as a salary for performing the duties of the offices so consolidated, the sum of thirty-six hundred dollars per annum.
7. The Assessor, thirty-five hundred dollars per annum, which shall be in full for all work in his office, and for his field deputies.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum, including services on Board of Education. He shall be allowed his actual traveling expenses when visiting the schools of his county. His office shall be kept open from two to five P. M., on all business days.
12. The Surveyor, twelve hundred dollars per annum, and his actual traveling expenses when in the field. He shall receive eight dollars per day when engaged in official work other than county business.
13. Justices of the Peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases:
In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month.
Each Justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the Auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried, and fines collected and paid into the county treasury.
- In addition to the monthly salary allowed herein, each Justice may receive for his own use in civil cases the following fees:
For filing each paper, twenty-five cents; issuing any writ or process by which suit is commenced, fifty cents; for entering every cause upon his docket, fifty cents; for issuing subpoena, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for each certificate, twenty-five cents; for issuing writ of attachment or of arrest, or for delivery of property, fifty cents; for entering any final judgment, for the first folio, one dollar, for each additional folio, twenty cents; for taking or approving any bond or undertaking directed by law to be taken as official by him, fifty cents; for taking justification to a bond, fifty cents; for swearing a jury, fifty cents; for taking deposition, per folio, twenty cents; for entering satisfaction of a judgment, fifty cents; for a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, twenty cents; for issuing commission to take testimony, fifty cents; for issuing subpoenas to an execution, fifty cents; for making up and transmitting transcript and papers on appeal, one dollar and fifty cents; for issuing search warrant, fifty cents; for issuing execution, fifty cents; for celebrating marriage and returning certificate thereof to the Recorder, five dollars; for entering cause without process, two dollars; for entering judgment by confession and only on affidavit as required in Superior Court, three dollars; for entering every motion, rule, exception, order, or default, twenty-five cents; for taking an acknowledgment of any instrument, for the first name, fifty cents, for each additional name, twenty-five cents; for services connected with the posting of estrays, including the transcript for the Recorder, two dollars; in cases before Justice

of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered in the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. For all services appertaining to the Coroner's office which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner in similar cases.

14. Constables shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars a month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided further*, that in addition to the salary herein allowed, each Constable shall be paid out of the treasury of the county for traveling expenses outside of his own township for service of a warrant of arrest or any other paper in a criminal case, both going and returning, fifteen cents per mile; for each mile traveled out of his county, both going and returning, from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him herein, each Constable may receive for his own use in civil cases the following fees: For serving summons and complaint, for each defendant served, one dollar; for each copy of summons, twenty-five cents; for levying writ of attachment or execution, or executing order of arrest for the delivery of personal property, one dollar and fifty cents; for keeping personal property, such sum as the court may order, but in no case to exceed three dollars per day for each keeper; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except writs of summons, complaint, and subpoena, per folio, twenty cents; for any service of any writ, notice, or order, except summons, complaint, or subpoena, on each person served, seventy-five cents; for writing and posting notice of each sale of property, fifty cents; for furnishing notice for publication, fifty cents; for serving subpoena, each witness and copy, fifty cents; for collecting money on execution, five per cent; for executing and delivering certificate of sale, one dollar; for executing and delivering Constable's deed, one dollar and fifty cents; for each mile actually traveled in his township in the service of any paper in a civil case, twenty-five cents per mile in going only; for traveling outside his township to serve such order or paper, in going only, twenty cents.

15. Each Supervisor, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; *provided*, that not more than four mileages shall be allowed in any one month. When serving as Road Commissioner, such fees as are now or may be hereafter allowed by law.

16. In counties of this class, the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for copies of transcriptions of said notes, when required, he shall receive the sum of five cents per folio for each copy. Said compensation for copies of transcription in criminal cases to be audited and allowed by the Board of Supervisors, as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

All portions of this section referring to the salaries of Surveyor, Justices of the Peace, Constables, and mileage of Supervisors, shall take effect and be in full force from and after the passage of this Act.

Amendment adopted.

By Senator Boyce:

Amend Section 179 of bill by substituting the following therefor:

SEC. 179. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to-wit:

1. The County Clerk, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the County Clerk, a courtroom deputy, who shall be appointed by the County Clerk, and paid a salary of one hundred dollars per month; said salary to be paid by said county, in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Clerk is paid.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, two thousand eight hundred dollars per annum.

4. The Auditor, one thousand five hundred dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the Assessor one deputy, for a period of four months during each fiscal year, who shall be appointed by said Assessor, and be paid a salary of seventy-five dollars per month; said salary to be paid by said county, in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Clerk is paid.
8. The District Attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the District Attorney, a deputy, who shall be appointed by said District Attorney, and he shall be paid the following salary, to wit: fifty dollars per month; said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund, as the salary of the County Clerk is paid.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that Constables of townships containing five thousand inhabitants or more, shall be allowed as additional compensation a salary of fifty dollars per month, payable at the same time and in the same manner as the salaries of other county officials are paid.
15. Each Supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as Road Commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same; or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted. By the committee:

Amend Section 140 by substituting the following:

SEC. 140. In counties of the twenty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling Great Register of the county when ordered by Board of Supervisors.
2. The Sheriff, five thousand dollars per annum, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for service of papers issued out of any civil case in his own county.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, thirty-two hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, twelve hundred dollars per annum, and actual traveling expenses when visiting the schools in the county, not to exceed one hundred dollars in any one year.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, for serving writ of attachment or execution on any ship, boat, or vessel, three dollars; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summonses, complaint, and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies; for serving any writ, notice, or order, except summonses, complaint, or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for furnishing notice for publication, twenty-five cents; for serving

subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, one and one half per cent; for executing and delivering certificate of sale, fifty cents; for executing and delivering Constable's deed, one dollar and fifty cents; for each mile actually traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, twenty-five cents per mile; for traveling outside of his township, to serve such writ, order, or paper, in going only, fifteen cents; *provided*, that the Constable shall not be required to travel outside of his township to serve any civil process, order, or paper; no constructive mileage allowed; for each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, twenty cents; for each mile traveled out of his county, both going and returning from place of arrest, ten cents; *and provided further*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged; for executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest; for arresting prisoner and bringing him into court, two dollars; for summoning a jury, two dollars, including mileage; for transporting prisoners to the county jail, the actual cost of such transportation.

The provisions of Section 14 shall take effect immediately.

15. Each Supervisor, five dollars per day when the board is in session, and twenty cents per mile, in going only, for traveling from his residence to the county seat; and when serving as Road Commissioner, five dollars per day and actual traveling expenses. But he shall not in any one year receive more than three hundred dollars as Supervisor, exclusive of mileage, or more than two hundred dollars as Road Commissioner, exclusive of actual traveling expenses.

By Senator La Rue:

Amend amendment as follows: By striking out subdivision 11 and substituting the following:

11. The Superintendent of Schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools in his county.

Amendment to amendment adopted.

Also: Amend amendment by striking out all of subdivision 14 and substituting the following therefor:

14. For the purpose of regulating the compensation of Constables, townships in this class of counties are hereby classified according to their population, as shown by the Federal census of eighteen hundred and ninety, as follows:

Townships having a population of five thousand or more shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the third class; and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class.

Constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars.

In addition to the monthly salaries herein allowed, each Constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the Board of Supervisors, and paid out of the county treasury.

The provisions of this subdivision, so far as townships of the first and second classes are concerned, shall take effect and be in force sixty days from and after the passage of this Act, and so far as townships of the third and fourth classes are concerned shall take effect and be in force from and after the first day of January, eighteen hundred and ninety-nine.

Amendment to amendment adopted.

Amendment as amended adopted.

By Senator Aram:

Amend Section 181 of printed bill as follows: Strike out all of lines 5 and 6 and insert the following:

1. The County Clerk, three thousand dollars per annum, and when a new Great Register of voters is ordered, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters.

Amendment adopted.

Also: Strike out line 7 of printed bill, page 105, and insert the following:

2. The Sheriff, four thousand five hundred dollars per annum.

Amendment adopted.

Also: Strike out all of lines 10 and 11 of printed bill, page 105, and insert the following:

4. The Auditor, twelve hundred dollars per annum.

Amendment adopted.

Also: Strike out all of lines 13 and 14 of printed bill, page 105, and insert the following:

6. The Tax Collector, twelve hundred dollars per annum.

Amendment adopted.

Also: Strike out all of lines 16 and 17, printed bill, page 105, and insert the following:

8. The District Attorney, two thousand three hundred dollars per annum.

Amendment adopted.

Also: Strike out all of lines 25 and 26 of printed bill, page 105, and insert the following:

12. The County Surveyor shall receive as compensation eight dollars per day for all personal work performed for the county, and in addition thereto all necessary expenses and transportation on work performed in the field.

Amendment adopted.

Also: Strike out all of lines 27 and 28 of printed bill, page 105, and insert the following:

13. Justices of the Peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

Amendment adopted.

Also: Strike out all of lines 29 and 30 of printed bill, page 106, and insert the following:

14. Constables, the following salaries, which shall be paid monthly, as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, sixty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each Constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

Amendment adopted.

By the committee:

Amend by substituting for Section 182 the following:

Sec. 182. In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, five thousand dollars per annum.

2. The Sheriff, seven thousand dollars per annum.

3. The Recorder, twelve hundred dollars per annum, and five cents for each folio recorded.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, twenty-five hundred dollars per annum.

7. The Assessor, five thousand dollars per annum.

8. The District Attorney, thirty-five hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum, which shall include his services as member of the Board of Education.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. In counties of this class the township officers shall receive the following compensation, to wit: In townships having a population of four thousand, Justices of the Peace shall receive a monthly salary of one hundred and twenty-five dollars, and Constables a monthly salary of one hundred and twenty-five dollars; the above named salaries shall be in full compensation for all services of said Justices of the Peace in both civil and criminal cases, and all fees allowed by law for the services of such officers in civil cases shall be paid into the county treasury as the fees of county officers are paid in, but Constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of nine hundred and less than four thousand, each Justice of the Peace and each Constable shall receive such fees as are now or may hereafter be allowed by law, not exceeding in any one month the sum of one hundred dollars in criminal cases.

In townships containing a population of less than nine hundred, each Justice of the Peace and each Constable shall receive the fees that are now or may hereafter be allowed by law, not exceeding in any one month the sum of forty dollars in criminal cases.

The Supervisors of counties of this class shall ascertain and determine, on or before the first day of August, eighteen hundred and ninety-eight, the population of the several townships in the county.

By Senator Smith:

Amend amendment by striking out of subdivision 3 the words "five cents" and inserting in lieu "seven cents."

Amendment to amendment adopted.

Also: Amend by inserting the following:

14. Each Supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat.

Amendment to amendment adopted.

Amendment as amended adopted.

By the committee:

Amend Section 183 by substituting the following therefor:

Sec. 183. In counties of the twenty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand two hundred and fifty dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, three thousand two hundred and fifty dollars per annum.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, eighteen hundred dollars per annum.

7. The Assessor, three thousand two hundred and fifty dollars per annum.

8. The District Attorney, two thousand five hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables of townships numbers one, two, eight, and ten, forty dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of townships number five, twenty-five dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of townships numbers three, four, six, and nine, twenty dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of township number seven, ten dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

15. Each member of the Board of Supervisors, three hundred dollars per annum; and as Road Commissioner, three hundred dollars per annum.

16. The compensation herein provided for Constables shall take effect immediately and affect incumbents.

Amendment adopted.

By Senator Dickinson:

Amend amendment by striking out of subdivision 15 the word "three," first used, and inserting in lieu the word "six."

Amendment to amendment adopted.

Amendment as amended adopted.

By Senator Jones:

Amend Section 184 by substituting the following therefor:

Sec. 184. In counties of the twenty-seventh class, the county officers shall receive, as compensation for services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The County Clerk, one thousand three hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be two Deputy County Clerks, who shall be appointed by the County Clerk. The salary of one of said Deputy County Clerks shall be seven hundred and twenty dollars per annum, and the salary of the other of said Deputy County Clerks shall be four hundred and eighty dollars per annum; said salaries of said Deputy County Clerks to be payable at the same time and in the same manner and out of the same fund as the salary of the County Clerk.

2. The Sheriff, four thousand dollars per annum.

3. The Recorder, two thousand and five hundred dollars per annum.

4. The Auditor, one thousand and two hundred dollars per annum.

5. The Treasurer, one thousand and two hundred dollars per annum.

6. The Tax Collector, one thousand and five hundred dollars per annum; *provided*, that when the duties of the office of Treasurer and Tax Collector are consolidated, as provided in section fifty-five of this Act, that the full compensation of said office of Treasurer and Tax Collector for such consolidated duties shall be two thousand five hundred dollars per annum.

7. The Assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be five field Deputy Assessors, who shall be appointed by the Assessor of said county, and who shall hold office from twelve o'clock meridian of the first Monday in March of each year, up to twelve o'clock meridian of the first Monday in July of each year. The salary of each of said five Deputy Assessors herein provided for is hereby fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses for each month during which they hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the Assessor.

8. The District Attorney, one thousand five hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The Surveyor, eight dollars per day while actually employed by the county.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, four hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board; *provided*, that not more than four mileages in any one month shall be allowed.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as said court may direct.

Amendment adopted.

By the committee:

Amend Section 185 by substituting the following therefor:

Sec. 185. In counties of the twenty-eighth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, twenty-four hundred dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, eighteen hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, twenty-four hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fifteen hundred (same as Act 1893) dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile from his home to and from the county seat.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

By the committee:

Amend Section 186 by substituting the following therefor:

Sec. 186. In counties of the twenty-ninth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, eighteen hundred dollars per annum.
2. The Sheriff, five thousand five hundred dollars per annum, which includes the fifteen hundred dollars heretofore allowed the Under-Sheriff.
3. The Recorder, three thousand two hundred dollars per annum, he to pay into the county treasury all fees received.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, twelve hundred dollars per annum.
7. The Assessor, two thousand eight hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, five hundred dollars per annum, and twenty cents per mile mileage, in going from residence to and from the county seat.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

By Senator Voorheis:

Amend Section 188 by striking out of line 21 the words "one thousand nine hundred," and inserting in lieu thereof the following: "two thousand."

Amendment adopted.

Also: Amend by striking out of Section 188, line 22, the word "one," and inserting in lieu thereof the word "two."

Amendment adopted.

Also: Amend by striking out of Section 188, line 23, the words "and twenty-five."

Amendment adopted.

Also: Amend Section 188, line 41, by inserting after the words "per annum" the words "and twenty cents per mile traveling to county seat."

Amendment adopted.

Also: Amend Section 188, line 42, by striking out the word "sum."

Amendment adopted.

Also: Amend by striking out of Section 188, line 42, the words "and mileage."

Amendment adopted.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Dickinson moved that the vote be reconsidered whereby the Senate adopted the following amendment to Senate Bill No. 136:

Amend Section 215, lines 34 and 35, printed bill, by striking out the words "and for conveying persons to and from the insane asylums."

The ayes and noes were demanded by Senators Dickinson, Seawell, and Withington.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Bulla, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Shine, Smith, Toner, and Wolfe—21.

NOES—Senators Androus, Braunhart, Chapman, Denison, Doty, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—19.

The question recurring on the adoption of the amendment, the same was put.

The ayes and noes were demanded by Senators Pedlar, Braunhart, and Seawell.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Denison, Doty, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—19.

NOES—Senators Aram, Beard, Bert, Boyce, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Prisk, Shine, Smith, Toner, and Wolfe—21.

AMENDMENTS—(RESUMED).

By the committee:

Amend Section 190 by substituting the following therefor:

SEC. 190. In counties of the thirty-third class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, two thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum, and ten percent on all licenses collected by him as License Collector.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, four hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

Amendment adopted.

Also: Amend Section 194 by substituting the following therefor:

Sec. 194. In counties of the thirty-seventh class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum, which shall be in full for all services as Tax Collector, and as License Collector.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, the fees which now are or hereafter may be allowed by law.

14. Constables, the fees which now are or hereafter may be allowed by law.

15. Each member of the Board of Supervisors, four hundred dollars per annum, and his necessary expenses when attending to the business of the county other than the meetings of the board, and twenty cents per mile in going from his residence to the county seat at each meeting of the board; and when serving as Road Commissioner, three dollars per day, and twenty cents per mile one way, for all actual distances traveled by him in the performance of his duties as such commissioner.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

Also: Amend Section 196 by substituting the following therefor:

Sec. 196. In counties of the thirty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, two thousand four hundred dollars per annum.
2. The Sheriff four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the State outside of his county.
3. The Recorder, eighteen hundred dollars per annum.
4. The Auditor, one thousand eight hundred dollars per annum, and same proviso as contained in Bill 136.
5. The Treasurer, one thousand six hundred dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum, and same proviso as in Senate Bill 136.
7. The Assessor, three thousand dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand six hundred dollars per annum, and actual traveling expenses, when visiting the schools of his county.

12. The Surveyor, nine hundred dollars per annum, which shall be in full for all services required of him by the court or the Board of Supervisors, and as ex officio County Recorder; *provided*, that he shall be entitled to receive from the county his

actual and necessary traveling expenses incurred in the performance of any order of the court or Board of Supervisors; for all other services, the fees allowed by law.

13. Justices of the Peace, the following monthly salaries, to be paid each month as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of more than one thousand three hundred, thirty dollars per month; in townships having a population of one thousand and less than thirteen hundred, twenty dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that Justices of the Peace must pay into the county treasury, on the first Monday of each month, the fines collected by them for the preceding month, and shall file with the County Treasurer a sworn statement showing in detail the amount of, from whom, when, and offense for which such fines were collected; *provided, also*, that each Justice of the Peace may collect and retain for his own use the fees allowed by law for services rendered by him in civil cases, but a sworn statement showing in detail the amount of, from whom, and when such fees were collected, shall be filed by him at the same time and in the same manner as a statement of fines. No Justice of the Peace shall receive his warrant for his salary for the preceding month until he has presented to the County Auditor a receipt showing that the foregoing provisions have been complied with.

14. Constables, the following monthly salaries, to be paid each month as salaries of county officers are paid, and which shall be in full for all services rendered by him in criminal cases, including attendance on Justice's Court, and the care of prisoners held by them, to wit: In townships having a population of more than one thousand three hundred, forty dollars per month; in townships having a population of less than thirteen hundred, twenty dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each Constable may collect and retain for his own use the fees allowed by law for services rendered by him in civil cases, but he shall make the same detailed report to the County Treasurer of fees collected by him, and be subject to the same proviso, before receiving a warrant for his salary as required of Justices of the Peace in the foregoing subdivision; *provided, also*, that each Constable shall be paid his actual and necessary expenses incurred in conveying prisoners to the county jail, not to exceed, however, in any one month, the sum of thirty dollars; *provided, further*, that he be allowed ten cents per mile necessarily traveled outside of his county in executing any warrant of arrest issued by a magistrate or justice of his county.

15. Each Supervisor, six dollars per day, while in service of the county, and mileage at the rate of twenty cents per mile, for traveling from residence to county seat.

16. The official reporter, such fees as are now provided by law.

17. This Act, so far as it relates to counties of the thirty-ninth class, shall take effect immediately as to the offices of Justices of the Peace and Constables, but shall not affect the compensation of other officers during their present term of office.

The population of the several judicial townships shall be ascertained by the Board of Supervisors by multiplying the vote for Governor cast in each township at the next preceding general election by five.

Amendment adopted.

By Senator Shine:

Amend Section 197 by substituting the following:

SEC. 197. In counties of the fortieth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, twenty-four hundred dollars per annum.
2. The Sheriff, thirty-five hundred dollars per annum.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand six hundred dollars per annum.
8. The District Attorney, one thousand two hundred dollars per annum.
9. The Coroner, five hundred dollars per annum.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, nine hundred dollars per annum, and actual traveling expenses while visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, seven dollars per diem when the board is in session, and twenty-five cents per mile for traveling to and from his residence to the county seat, but he shall not in any one year receive more than five hundred dollars as Supervisor.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he

shall receive the sum of fifteen cents per folio for the original, and ten cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

By Senator Flint:

Amend by striking out of Section 199, line 5, the words "two hundred," and inserting the following: "six hundred."

Amendment adopted.

Also: Amend by striking out of Section 199, line 7, the words "The Sheriff, three thousand dollars per annum," and inserting in lieu thereof the following: "The Sheriff, twenty-five hundred dollars per annum. The Sheriff shall also receive, for his own use and benefit, all fees, commissions, and mileage, in all civil cases within his county, and all fees, commissions, and mileage for service of any papers issued by any court outside of his county."

Amendment adopted.

Also: Amend by striking out of Section 199, line 10, the words "one thousand two hundred," and inserting the following: "one thousand."

Amendment adopted.

Also: Amend by striking out of Section 199, lines 12 and 13, and inserting in lieu thereof the following: "The Tax Collector, five hundred dollars per annum. The Tax Collector shall be allowed one deputy for the months of November and April of each year, at a compensation of one hundred dollars per month. He shall also receive ten per cent of all licenses collected by him."

Amendment adopted.

Also: Amend by striking out of Section 199, line 15, the words "six hundred," and inserting in lieu thereof the following: "five hundred."

Amendment adopted.

Also: Amend by adding to Section 199, line 22, after the word "annum," the following: "and he shall receive no extra compensation for his services on the Board of Education."

Amendment adopted.

By Senator Linder:

Amend Section 200 so as to read as follows:

SEC. 200. In counties of the forty-third class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, forty-five hundred dollars per annum, and necessary actual traveling expenses in the performance of his duties within the county, and all mileage for the service of papers issued out of any court outside of his county.
3. The Recorder, six hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or any of his deputies, which said amounts shall be paid out of the county treasury.
4. The Auditor, seven hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, eight hundred dollars per annum.
7. The Assessor, eighteen hundred dollars per annum.
8. The District Attorney, fifteen hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be provided by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each Supervisor, seven hundred dollars per annum for all services performed by them as Supervisors and members of the Board of Equalization and as Road Commissioners.

Amendment adopted.

By the committee:

Amend Section 201 by substituting the following therefor:

SEC. 201. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum, which shall be in full for all services as Tax Collector and as License Collector.
7. The Assessor, one thousand eight hundred dollars per annum.
8. District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, the fees which now are or hereafter may be allowed by law.
14. Constables, the fees which now are or hereafter may be allowed by law.
15. Each member of the Board of Supervisors, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat; and, when serving as Road Commissioner, three dollars per day and mileage as allowed by law. But he shall not in any one year receive more than three hundred and fifty dollars as Supervisor, or more than two hundred and fifty dollars as Road Commissioner, exclusive of mileage.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

By Senator Pedlar:

Amend Section 202 by substituting the following therefor:

SEC. 202. In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, twelve hundred dollars per annum.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, seven hundred dollars per annum.
7. The Assessor, eighteen hundred dollars per annum.
8. The District Attorney, twelve hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, five hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, the fees now or may be hereafter allowed by law.
14. Constables, the fees now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, six dollars per day, and twenty-five cents per mile in traveling to and from their respective residences to the county seat, all of which compensation in the aggregate shall not exceed four hundred dollars each per annum.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes when his services are demanded in civil cases and in all criminal cases tried in said court, and when requested by the District Attorney

for preliminary examinations in Justices' Courts, and inquests, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the Court may direct.

When the services of the reporter are demanded in any civil matter, the Clerk shall collect, each day, in advance, five dollars from the party demanding the service, and shall pay the same into the county treasury on the first Monday of each month.

Amendment adopted.

By the committee:

Amend Section 203 by substituting the following therefor:

SEC. 203. In counties of the forty-sixth class, the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, thirteen hundred dollars per annum.
2. The Sheriff, twenty-four hundred dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county, issued by a magistrate or court within his county.
3. The Recorder, thirteen hundred dollars per annum.
4. The Auditor, seven hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, fifteen hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, eight hundred dollars per annum, and actual and necessary traveling expenses when visiting schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, four dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat; and when serving as Road Commissioner, three dollars a day and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred dollars as Supervisor, exclusive of mileage, nor more than two hundred dollars as Road Commissioner, exclusive of traveling expenses.
16. This Act shall not affect any officer during his present term of office.

Amendment adopted.

Also: Amend Section 204 by substituting the following therefor:

SEC. 204. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, one thousand and eight hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum, with same provisions as to outside fees as in thirty-ninth class.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, eight hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum, which shall be in full for all services as said Tax Collector and License Collector.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, one thousand six hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, one thousand six hundred dollars per annum, and actual traveling expenses while visiting schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, the following monthly salaries, to be paid each month as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of three thousand or more, twenty-five dollars per month; in townships having a population of two thousand and less than three thousand, forty dollars per month; in townships having a population of one thousand three hundred and less than two thousand, forty dollars per month; in townships having a population of one thousand and less than thirteen hundred, twenty dollars per month; in townships having a population of less than

one thousand, ten dollars per month; *provided*, that Justices of the Peace must pay into the county treasury, on the first Monday of each month, the fines collected by them for the preceding month, and shall file with the County Treasurer a sworn statement showing in detail the amount of, from whom, when, and offense for which such fines were collected; *provided, also*, that each Justice of the Peace may collect and retain for his own use the fees allowed by law for services rendered by him in civil cases, but a sworn statement, showing in detail the amount of, from whom, and when such fees were collected, shall be filed by him at the same time and in the same manner as a statement of fines. No Justice of the Peace shall receive his warrant for his salary for the preceding month until he has presented to the County Auditor a receipt showing that the foregoing provisions have been complied with.

14. Constables, the following monthly salaries, to be paid each month as salaries of county officers are paid, and which shall be in full for all services rendered by him in criminal cases, including attendance on Justice's Court, and the care of prisoners held by them, to wit: In townships having a population of three thousand or more, thirty dollars per month; in townships having a population of two thousand and less than three thousand, fifty dollars per month; in townships having a population of one thousand and three hundred and less than two thousand, forty dollars per month; in townships having a population of one thousand and less than thirteen hundred, twenty dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each Constable may collect and retain for his own use the fees allowed by law for services rendered by him in civil cases, but he shall make the same detailed report to the County Treasurer of fees collected by him, and be subject to the same proviso before receiving a warrant for his salary, as required of Justices of the Peace in the foregoing subdivision; *provided, also*, that each Constable shall be paid his actual and necessary expenses incurred in conveying prisoners to the county jail, not to exceed, however, in any one month, the sum of thirty dollars.

The population of the several judicial townships shall be ascertained by the Board of Supervisors by multiplying the vote for Governor cast in each township at the next preceding general election by five.

15. Each member of the Board of Supervisors, same as thirty-ninth class.

16. Official reporters, same as now provided by law.

This Act, so far as it relates to counties of the forty-seventh class, shall take effect immediately as to the offices of Justices of the Peace and Constables, but shall not affect the compensation of other officers during their present term of office.

Amendment adopted.

By Senator Shine:

Amend Section 207 by substituting the following:

Sec. 207. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, one thousand two hundred dollars per annum.
2. The Sheriff, three thousand eight hundred dollars per annum.
3. The Recorder, one thousand two hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, seven hundred dollars per annum.
7. The Assessor, one thousand six hundred and fifty dollars per annum.
8. The District Attorney, one thousand two hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, six hundred dollars per annum, and actual traveling expenses while visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his residence to the county seat.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of fifteen cents per folio for the original and ten cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct,

Amendment adopted.

By the committee:

Amend Section 210 by substituting the following therefor:

Sec. 210. In counties of the fifty-third class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, fifteen hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, seven hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

Amendment adopted.

Also: Amend Section 211 by substituting the following therefor:

Sec. 211. In counties of the fifty-fourth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, sixteen hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, twelve hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, twelve hundred dollars per annum.
8. The District Attorney, nine hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, four hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, six dollars per day when board is in session; thirty cents per mile one way. Three dollars per day when actually serving as Road Commissioner, not to exceed three hundred dollars in each case.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a salary of ten dollars per diem during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

Also: Amend Section 212 by substituting the following therefor:

Sec. 212. In counties of the fifty-fifth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, nine hundred dollars per annum.
2. The Sheriff, twelve hundred dollars per annum.
3. The Recorder, six hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, nine hundred dollars per annum.
6. The Tax Collector, nine hundred dollars per annum.
7. The Assessor, six hundred dollars per annum.
8. The District Attorney, nine hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, four hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, same as at present.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts and at Coroner's inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Amendment adopted.

Also:

Amend Section 213 by substituting the following therefor:

SEC. 213. In counties of the fifty-sixth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, twelve hundred dollars per annum.

2. The Sheriff, twenty-six hundred dollars per annum.

3. The Recorder, six hundred dollars per annum.

4. The Auditor, two hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, twelve hundred dollars per annum.

8. The District Attorney, nine hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, four hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, six dollars per day during session, and thirty cents per mile one way to board meeting; three dollars per day (no mileage) as Road Commissioner when actually engaged in road business.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a per diem of eight dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three cents per folio for copies required, said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Provided, however, that ten per cent shall be allowed the Tax Collector as fees for collecting licenses in counties of this class.

Amendment adopted.

AMENDMENTS WITHDRAWN.

Senator Withington asked unanimous consent to withdraw the two following amendments, which were on yesterday adopted:

Amend by striking out of Section 165, line 27, the words "*provided, however,* that no more than seventy-five dollars in any one month shall be allowed out of the county treasury for misdemeanor cases."

Amend by adding in Section 165, line 29, the words "*provided, however,* that no more than seventy-five dollars in any one month shall be allowed out of the county treasury for misdemeanor cases."

Consent granted.

Amendments withdrawn.

AMENDMENTS—(RESUMED).

By Senator Withington:

Amend by striking out of Section 165, line 31, the words "their residence." and inserting the following: "his residence."

Amendment adopted.

Also: Amend by striking out of Section 165, lines 26, 27, 28, and 29, and inserting the following:

13. Constables, such fees as are now or may be hereafter allowed by law; *provided, however,* that no Constable shall be allowed in any one month, out of the county treasury, more than seventy-five dollars in misdemeanor cases.

14. Justices of the Peace, such fees as are now or may be hereafter be allowed by law; *provided, however,* that no Justice of the Peace shall be allowed in any one month, out of the county treasury, more than seventy-five dollars in misdemeanor cases.

Amendment adopted.

On motion of Senator Smith, the further consideration of Senate Bill No. 136 was postponed until three o'clock p. m. this day.

REPORTS OF STANDING COMMITTEES.

ON FORESTRY, YOSEMITE VALLEY, MARIPOSA BIG TREES, AND FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game, to whom was referred Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

Also: Senate Bill No. 588—An Act to amend the Penal Code of the State of California, relating to fish and game, and to add a new section thereto, to be numbered 626*j*.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 631—An Act to add three new sections to "An Act to establish a Penal Code," approved February 14, 1872, to be numbered 627*e*, 627*f*, and 627*g*, relating to wild birds—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same, its main provisions having been incorporated in another bill.

Also: Senate Bill No. 620—An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and refer the same to the Committee on Finance so far as relates to amount of appropriation.

Also: Senate Bill No. 378—An Act to prevent the use of paranzella or drag-net in the waters of this State.

Also: Senate Bill No. 333—An Act for the protection and propagation of shrimps.

Have had the same under consideration, and respectfully report the same back without recommendation.

LUCHSINGER, Chairman.

Assembly Bill No. 452, and Senate Bills Nos. 588, 631, 378, and 333 ordered on file for second reading.

Senate Bill No. 620 re-referred to the Committee on Finance.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 3009, 3010 of the said Political Code, and by repealing Sections Nos. 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of the said Political Code, relating to the State quarantine service at San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 557—An Act to prohibit the exercise by any person, other than a duly licensed physician or surgeon, of mesmeric or hypnotic influence upon any person or persons, and fixing a penalty for any violation of the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ARAM, Chairman.

Senate Bills Nos. 623 and 557 ordered on file for second reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 562—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Also: Senate Bill No. 384—An Act to prohibit the officers and employes of banks and banking corporations from borrowing the funds thereof.

Also: Assembly Bill No. 7—An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 78—An Act to amend Section 1918 of the Civil Code of California, relating to interest—have had the same under consideration, and respectfully report the same back, and recommend that the author be given leave to withdraw the same.

FRANCK, Chairman.

Senate Bills Nos. 562, 384, and 78, and Assembly Bill No. 7 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 402—An Act to establish the fees of County Clerks and of jurors in this State.

Also: Senate Bill No. 432—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1329 thereof, relating to the payment of expenses of witnesses in criminal cases.

Also: Senate Bill No. 461—An Act amending an Act amending an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to Committee on County Government and Township Organization.

Also: Senate Bill No. 279—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Also: Senate Bill No. 280—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Also: Senate Bill No. 149—An Act to amend Sections 379 and 1913 of the Code of Civil Procedure of the State of California, relating to parties defendant to civil actions and the effect of decrees.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw same.

Also: Senate Bill No. 41—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

Also: Senate Bill No. 428—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1810, relating to the filing of accounts of guardians after their death.

Also: Senate Bill No. 429—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1681, relating to the filing of accounts of executors and administrators after their death.

Also: Senate Bill No. 454—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 317—An Act to amend Section 1216 of the Penal Code, relating to duty of Sheriff on receiving copy of judgment of imprisonment.

Also: Senate Bill No. 440—An Act to regulate the profession and provide for the registration of public accountants.

Also: Senate Bill No. 482—An Act to amend Section 276 of the Code of Civil Procedure, relating to the examination of applicants for admission to practice law.

Also: Senate Bill No. 277—An Act entitled "An Act to amend Section 3849 of the Political Code of the State of California," relating to the payment of taxes under protest.

Also: Senate Bill No. 278—An Act to amend Section 3817 of the Political Code of the State of California, relating to the redemption of real estate sold for taxes.

Also: Senate Bill No. 267—An Act to amend Section 276 of the Code of Civil Procedure, providing for the examination of and admission of applicants to practice as attorneys.

Also: Senate Bill No. 353—An Act to provide for the establishment of a board of

examiners for the California State Therapeutic Society and College, which is to be self-sustaining.

Also: Senate Bill No. 502—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to the appointment of special administrators. Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 543—An Act to amend Sections 334 and 408 of the Political Code, and to repeal Section 410 thereof, relating to the duties of the Secretary of State, and to the distributing of reports and documents.

Also: Senate Bill No. 411—An Act to prohibit attorneys at law from becoming sureties on bail bonds in any of the courts of this State, for the release or discharge of any person arrested or charged with the commission of any crime or misdemeanor, and prescribing the penalty therefor.

Also: Senate Bill No. 619—An Act providing for the maintenance and support of illegitimate children.

Also: Assembly Bill No. 415—An Act to amend Section 383 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 402, 432, and 461 re-referred to the Committee on County Government and Township Organization.

Senate Bills Nos. 279, 280, 149, 41, 428, 429, 454, 317, 440, 482, 277, 278, 267, 353, 502, 543, 411, 619, and Assembly Bill No. 415, ordered on file for second reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 84—An Act making an appropriation for furnishing a central building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 88—An Act making an appropriation for the erection of a central building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 360—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act.

Also: Senate Bill No. 357—An Act to provide additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to equip the same for occupancy and use, to provide a system of electric lighting therein, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Finance.

Also: Senate Bill No. 508—An Act to amend an Act entitled "An Act appropriating \$40,000 for the purpose of the establishment and management of the Industrial Home for Mechanical Trades for the Adult Blind of the State of California," approved March 5, 1885, and to prescribe the duties of the officers thereof, and of the State officers in reference thereto—have had the same under consideration, and respectfully report the same back, at request of the author for withdrawal.

Also: Senate Bill No. 358—An Act to provide for the erection of a suitable storage reservoir; to lay mains with all necessary connections, and to provide power apparatus; to make and complete a new water-works system for fire emergency, storage, and motive purposes at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 361—An Act to provide additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to equip the same for occupancy and use, to provide a system of electric lighting therein, and making an appropriation therefor.

Also: Senate Bill No. 594—An Act making an appropriation for the furnishing of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 614—An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 341—An Act to provide for the construction of a reservoir for

settling and storing water at the Preston School of Industry, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Finance.

Also: Senate Bill No. 551—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Senate, and that the preamble be stricken out, and that the bill do pass.

Also: Senate Bill No. 321—An Act to establish a State Normal School in San Luis Obispo County, California, and making an appropriation of \$100,000 therefor—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass.

Also: Senate Bill No. 397—An Act appropriating money to provide for the erection and furnishing of a residence for the Medical Superintendent of the State Insane Asylum at Stockton, California.

Also: Senate Bill No. 479—An Act to provide for the purchase or construction of a residence for the Governor of California, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water-supply to the Mendocino asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold-storage system for said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building, for the use and occupancy of the officers, employees, and patients of the Mendocino asylum; to purchase furniture and furnish the building so to be erected by the directors of said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Finance.

Also: Senate Bill No. 146—An Act to amend an Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, approved March 28, 1872, amendatory of Section 25 thereof, relating to the construction of buildings.

Also: Senate Bill No. 184—An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$75,000 therefor.

Also: Senate Bill No. 564—An Act to appropriate money for the erection of a hospital building at the Preston School of Industry, at Lone, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DENISON, Chairman.

Senate Bills Nos. 84, 88, 359, 360, 357, 118, 119, 358, 361, 594, 614, and 341 re-referred to the Committee on Finance.

Senate Bills Nos. 508, 551, 321, 397, 479, 146, 184, and 564 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Holloway asked unanimous consent to withdraw Senate Bill No. 76—An Act providing for the dissolution of certain corporations doing a banking business.

Also: Senate Bill No. 78—An Act to amend Section 1918 of the Civil Code of California, relating to interest.

Such recommendation having been made by the Committee on Banks and Banking.

Consent granted.

Senate Bills Nos. 76 and 78 withdrawn, and ordered stricken from the file.

Senator Seawell asked unanimous consent to withdraw Senate Bill No. 279—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing action.

Also: Senate Bill No. 280—An Act to amend Sections 8 and 49 of an

Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Such recommendation having been made by the Committee on Judiciary.

Consent granted.

Senate Bills Nos. 279 and 280 withdrawn, and ordered stricken from the file.

At twelve o'clock and twenty minutes P. M., Senator Withington moved that the hour of recess be continued until the messages from the Assembly were taken up and considered.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Assembly Bill No. 139 ordered on file for second reading.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 430—An Act for the relief of W. C. Guirey, Also: Senate Bill No. 529—An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, California, for moneys expended in behalf of the State of California, for foreclosing State school lands in Colusa County, State of California.

Also: Senate Bill No. 609—An Act making an appropriation to pay the claim of J. W. Sibole.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 21—An Act to appropriate \$3,628 75 as compensation to the La Voce del Popolo, a newspaper published in the City and County of San Francisco, for having published proposed amendments to the Constitution of the State of California, during the year 1894.

Also: Senate Bill No. 22—An Act to appropriate \$4,488 42 as compensation to the Le Franco-Californien, a newspaper published in the City and County of San Francisco, for having published proposed amendments to the Constitution of the State of California during the year 1894.

Also: Senate Bill No. 153—An Act making an appropriation to pay L'Italia, a newspaper, for publishing proposed amendments to the Constitution of the State of California.

Also: Senate Bill No. 326—An Act to appropriate \$4,750 as compensation to the California Demokrat Publishing Company, a corporation incorporated, organized, and existing under the laws of the State of California, for having published proposed amendments to the Constitution of the State of California, during the year 1894.

Also: Senate Bill No. 434—An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 391—An Act to provide for the payment of the claim of D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal—have had the same under consideration, and amended it, and respectfully report the same back, and recommend that it do pass as amended, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 487—An Act for the relief of J. W. Newbert, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back and recommend that it do not pass, for the reason that the committee believes that it has no authority in law to allow the same, and asks that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MINORITY REPORT.

The undersigned, a member of the committee, desires to file a minority report, and recommends that the bill do pass.

HALL, of the Committee.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 200—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.

Also: Senate Bill No. 206—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Have had the same under consideration, and respectfully report the same back without recommendation, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MINORITY REPORT.

As a member of the committee, I desire to file a minority report on above bills, and recommend that they do not pass, for the reason that the services rendered by the claimants were not in pursuance of any valid contract.

BULLA.

Senate Bills Nos. 430, 529, 609, 21, 22, 326, 434, 394, 487, 200, and 206 re-referred to the Committee on Finance.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred, for correction, Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, to provide the penalty therefor, and appropriating money to enforce the same—have had the same under consideration, and respectfully report the same back, with corrections duly made.

SHIPPEE, Chairman.

ON COUNTIES AND COUNTY BOUNDARIES.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 283—An Act to change and permanently locate the boundary line between the counties of Butte and Yuba—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LINDER, Chairman.

Assembly Bill No. 283 ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 182—An Act to authorize any city or city and

county of this State to take its census—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRISK.
BERT.
BULLA.
MOREHOUSE.
STRATTON.
GILLETTE, Chairman.

Assembly Bill No. 182 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 362—An Act authorizing the Secretary of State to appoint a clerk, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

Also: Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Also: Senate Bill No. 583—An Act to provide for the appointment, by the Supreme Court, of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

JONES, Chairman.

Senate Bills Nos. 362, 486, and 583 ordered on file for third reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 509—An Act to amend Section 574 of the Civil Code, relating to the ownership and disposition of property of savings and loan corporations.

Also: Senate Bill No. 547—An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration," approved April 1, 1876.

Also: Senate Bill No. 572—An Act to amend Section 337 of the Civil Code of the State of California, relating to the publication of notice of the delinquent assessment upon stock of corporations.

Also: Senate Bill No. 573—An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations.

Also: Senate Bill No. 604—An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 466—An Act to establish a uniform system to enable any city, city and county, city or town, or municipality, to furnish the inhabitants thereof with water for domestic, irrigation, or manufacturing purposes or use, within or without their corporate limits.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

Also: Senate Bill No. 313—An Act adding a new section to the Civil Code relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turn-outs, and spurs, by railroad and other transportation companies in the State of California, and fixing a penalty for failure to comply thereto—have had the same under consideration, and respectfully report the same back, and recommend that the substitute for same be adopted, and do pass.

DICKINSON, Chairman.

Senate Bills Nos. 509, 547, 572, 573, 604, 466, and 313 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 8th day of February, passed the following: Assembly Bill No. 208—An Act making

an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for Insane and Inebriates, for the forty-seventh fiscal year.

Also: Assembly Bill No. 210—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy, in conveying children to Whittier.

Also: Assembly Bill No. 211—An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants, for traveling expenses and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1889, page 7.

Also: Assembly Bill No. 212—An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners from February 15, 1891, to March 21, 1891.

Also: Assembly Bill No. 214—An Act making an appropriation to pay the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.

Also: Assembly Bill No. 216—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the forty-sixth fiscal year.

Also: Assembly Bill No. 217—An Act making an appropriation to pay the claim of the State Board of Health, for traveling expenses.

Also: Assembly Bill No. 218—An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 8th day of February, passed the following: Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property.

Also: Assembly Bill No. 120—An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Also: Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights.

Also: Assembly Bill No. 157—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Also: Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape and what constitutes the same.

Also: Assembly Bill No. 219—An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations for the forty-sixth fiscal year.

Also: Assembly Bill No. 220—An Act making an appropriation to pay the deficiency in the appropriation for care of State Burial Grounds, for services rendered by W. C. Farnsworth.

Also: Assembly Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker, for arrest and conviction of Ed Ward.

Also: Assembly Bill No. 222—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.

Also: Assembly Bill No. 223—An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan for attempted highway robbery.

Also: Assembly Bill No. 226—An Act making an appropriation to pay the claim of Wm. Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.

Also: Assembly Bill No. 228—An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall for attempted highway robbery.

Also: Assembly Bill No. 230—An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel McGuire for attempted highway robbery.

Also: Assembly Bill No. 231—An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery.

Also: Assembly Bill No. 235—An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.

Also: Assembly Bill No. 237—An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands.

Also: Assembly Bill No. 238—An Act making an appropriation to pay the claim of George A. Sturtevant, for costs of suits in foreclosing delinquent purchasers of State school lands.

Also: Assembly Bill No. 239—An Act making an appropriation to pay expense incurred by the Commission for the Revision and Reform of the Law.

Also: Assembly Bill No. 240—An Act making an appropriation to pay the deficit

for the purpose of entitling holders of California State Normal School diplomas to teach in any primary or grammar school in the State.

Referred to the Committee on Constitutional Amendments.

RECESS.

The hour of twelve o'clock and forty-five minutes p. m. having arrived, the President pro tem. declared a recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Smith, Stratton, Trout, Voorheis, and Withington.

Quorum present.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes p. m.)

THIRD READING OF BILLS.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 17, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee is of the opinion that it is unconstitutional, for the same reasons as given in their report upon Senate Bill No. 69, especially *Ex parte Kubaek*, 85 Cal. 274.

WITHINGTON, for the Committee.

On motion of Senator Withington, Assembly Bill No. 17 was re-referred to the Committee on Judiciary.

Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 451, have examined the same, and report that the object cannot be secured under existing laws, and contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: That said bill should be amended by inserting in line 1 of Section 1, after the word "thirty-two" the words "of the Penal Code"; also, in line 1 of Section 2, after the word "thirty-four," insert the words "of the Penal Code."

They therefore recommend that Senator Luchsinger be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

Senator Luchsinger was appointed a special committee of one to amend as suggested by the Committee on Rules and Revision.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 451, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 41, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 41 finally passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

Title read and approved.

Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

Bill passed on file, but to retain its place.

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 11, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The words "approved March 26, 1895," should be inserted in line 2, of Section 1, after the word "debtors"; also, the words "approved March 26, 1895," should be inserted in line 2 of Section 2, after the word "debtors."

They therefore recommend that Senator Seawell be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

During the third reading of bill, Senator Seawell, in compliance with the suggestion of the Committee on Rules and Revision, was appointed a special committee of one to amend the bill as suggested.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

SEAWELL, Committee.

Report of special committee of one and amendment adopted.

Bill read third time, and ordered to print.

Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 22, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 22 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Trout, Voorheis, and Withington—26.

NOES—None.

Title read and approved.

Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 13, 1874; April 23, 1880.

Bill passed on file, but to retain its place.

Assembly Bill No. 21—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

Bill passed on file, but to retain its place.

SECOND READING OF BILLS.

Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill read second time, and passed on file pending an amendment.

Assembly Bill No. 70—An Act to amend Section 105 of the Code of Civil Procedure of the State of California, relating to the powers of Justices of the Peace to call in other Justices of the Peace to act in their place and stead.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 416—An Act to amend Section 389 of the Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 417—An Act to amend Section 396 of the Code of Civil Procedure.

On motion of Senator Simpson, Assembly Bill No. 417 was refused second reading.

MOTION.

Senator Smith moved that the Senate take up Senate Bill No. 136 for further consideration.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

During the second reading of bill, the following amendments were submitted:

By Senator Simpson:

Amend Section 159, subdivision 8, by substituting the following therefor:

8. The Assessor, thirty-six hundred dollars per annum: *provided*, that in counties of this class there shall be and hereby is allowed to the Assessor the following deputies and clerks, who shall be appointed by the Assessor, and shall be paid salaries as follows: One chief deputy, at one hundred and twenty-five dollars per month; one second deputy, at a salary of one hundred dollars per month; one valuation clerk, at a salary of eighty-five dollars per month; one transfer clerk, at a salary of eighty-five dollars per month; twenty field deputies for not exceeding one month in any one year, at a salary of one hundred dollars each per month; twenty field deputies for not exceeding two months in any one year, at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding three months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; four clerks for not exceeding four months in any one year, at a salary of ninety dollars each per month; one clerk for not exceeding three months in any one year, at a salary of ninety dollars per month; nineteen clerks for not exceeding four months in any one year, at a salary of eighty dollars each per month; four clerks and one stenographer not to exceed four months in any one year, at a salary of sixty dollars each per month; five clerks for not exceeding one month in any one year, at a salary of eighty dollars each per month; fifteen clerks, copyists, and indexers for not to exceed four months in any one year, at a salary of fifty dollars each per month, and one messenger for not exceeding four months in any one year, at a salary of thirty dollars per month. The salaries of the deputies and clerks herein provided for shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Assessor is paid.

Amendment adopted.

By Senator Doty:

Amend by striking out of Section 162, lines 52 to 57, inclusive, of printed bill.

Amendment adopted.

By Senator Jones:

Amend Section 184, subdivision 4, by striking out the word "two" and inserting in lieu thereof the word "five."

Amendment adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee, the San Francisco Delegation, to whom was referred Senate Bill No. 606—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to salaries of county officers in counties of the first class, offered as an amendment to Senate Bill No 136, by Senator Brauhart—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MAHONEY, Chairman.

On motion of Senator Mahoney, the above report was adopted by the following vote; whereupon the President declared the amendment offered by Senator Brauhart lost:

AYES—Senators Androus, Aram, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—Senators Brauhart, Doty, Langford, La Rue, Seawell, and Stratton—6.

EXPLANATION.

SACRAMENTO, February 10, 1897.

MR. PRESIDENT: As I entered the Senate chamber just a moment too late to vote on the proposed amendment last disposed of, I desire to have the Journal show that I intended to speak and vote in favor of sustaining the action of the San Francisco Delegation on said proposed amendment, and further to explain the reason for my absence.

The Senate was in session until about twelve o'clock and forty-five minutes. Immediately upon the announcement by the Chair that the Senate was at recess, the San Francisco Delegation met for the purpose of considering the proposed amendments, and remained in session until nearly two o'clock, the time fixed for the Senate to reconvene. Thereupon I left the Senate chamber for the purpose of procuring luncheon, but before doing so requested Senator Smith, the Chairman of the Committee on County Government and Township Organization, having the matter in charge, to pass the consideration of the proposed amendments until I should return. He readily consented so to do, and I thereupon left the Senate chamber, and was much surprised and equally chagrined to learn upon my return that the matter had been considered and voted on, and the decision already announced.

I do not desire in any manner to reflect or place blame upon Senator Smith, as I am assured by him that the amendments in question were taken up by the Senate in his absence, and at a time when he did not understand that I was not in my seat.

In conclusion, I desire to reiterate that I had prepared to speak, and intended to vote, in favor of retaining the law as at present, and against the proposed amendments, and regret that my unavoidable absence from the Senate chamber should have deprived me of that privilege.

EUGENE F. BERT.

MOTION.

On motion of Senator Dickinson, Senate Bill No. 422 was taken up for the purpose of further amendment.

SECOND READING OF BILL.

Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Senator Dickinson moved to amend as follows:

Strike out all amendments to title adopted on February 6, 1897.

Amendment adopted.

Also: Amend by inserting in title, after "1970." on line 2, the figures "1973." Insert after "1976," on line 3, the figures "1980." Insert after "1990," on line 3, the figures "2003."

Amendment adopted.

Also: Amend by inserting after line 15, in Section 1970, page 8 of printed bill, the following:

Section one thousand nine hundred and seventy-three of the Political Code of the State of California is hereby amended to read as follows:

1973. 1. Any commissioned officer who has become disabled and incapable of longer performing the active duties of his office may, upon his own application, be placed upon the retired list; *provided*, that such disability may have been incurred while in the performance of duty.

2. If an officer, for either of the above reasons, desires to be placed upon the retired list, he shall make application to his brigade commander to appoint a board of surgeons, who shall examine him as to his disability, and if such disability has not been incurred by reason of any dereliction, they shall, if they deem proper, recommend that his application be granted; and upon approval of such application by the brigade commander and the commander-in-chief, the Adjutant-General shall issue orders retiring such officer.

3. Any commissioned officer who shall have served as such in the National Guard of this State for a continuous period of eight years, or for a period not continuous of ten years, may, upon his own application, be placed upon the retired list, and withdrawn from active service and command with the rank held by him at the time such application is made; and any commissioned officer who shall have, at any time heretofore, served as such in the militia or National Guard of this State for a continuous period of eight years, shall, upon his own application, and due proof of such service, be placed upon the retired list with the rank held by him at the time of the examination of his commission. Upon applications as above provided being duly made and approved, the commander-in-chief shall cause orders to be issued retiring the officer who makes application therefor, in accordance with the provisions of this section; *provided, however*, that nothing herein contained shall be construed to permit the placing upon the retired list of any officer who shall have been dishonorably dismissed the service.

4. The officers on the retired list shall only be subject to detail for duty by orders from the commander-in-chief, and he shall cause to be issued such orders as he may deem necessary, detailing them for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such other military duties as, in his judgment, may be advisable. When, however, officers on the retired list are detailed for active duties other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to the rank which properly belongs to the office the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officer shall again return to the retired list with his former retired rank. A roster of all officers on the retired list shall be kept in the Adjutant-General's office, division headquarters, and at the brigade headquarters.

5. Officers on the retired list shall on all occasions of duty, and all occasions of ceremony, take rank next to officers of like rank upon the active list.

Amendment adopted.

Bill ordered to print and engrossment.

SPECIAL ORDER RESET.

On motion of Senator Smith, the further consideration of Senate Bill No. 136 was made a special order for to-morrow, immediately after the approval of Journal.

MOTION.

On motion of Senator Smith, the Secretary was directed to have one thousand copies of Senate Bill No. 136 printed.

THIRD READING OF BILLS.

Senate Bill No. 538—An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 538, and have examined the same, and report that the object cannot

be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 538 passed by the following vote:

AYES—Senators Androus, Aram, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Simpson, Smith, Stratton, Withington, and Wolfe—27.

NOES—None.

Title read and approved.

Senate Bill No. 539—An Act relinquishing to the United States of America the title of this State to certain lands.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 539, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Simpson, Smith, Voorheis, Withington, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 463—An Act to amend Section 1114 of the Political Code of the State of California, relating to registration.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 463, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 463 passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Chapman, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 615—An Act to repeal an Act entitled "An Act regulating

the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHINE, Chairman.

Senate Bill No. 615 ordered on file for second reading.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 606—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to salaries of county officers in counties of the first class.

Also: Senate Bill No. 390—An Act to amend Section 60 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893.

Also: Senate Bill No. 377—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, by amending Section 173 thereof, relating to counties of the eleventh class.

Also: Senate Bill No. 250—An Act to amend an Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, relating to fees to be paid County Clerks.

Also: Senate Bill No. 638—An Act to amend Section 10 of an Act to establish a uniform system of county and township governments; amend Section 162 thereof, and to insert a new section, to be numbered 173½, creating a class of counties of the eleven-and-a-half class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and that the authors of the same be requested to withdraw them, as the same matters are incorporated in Senate Bill No. 136.

SMITH, Chairman.

Senate Bills Nos. 606, 390, 377, 250, and 638 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 420—An Act relating to hospitals for dipsomaniacs and morphine, opium, and alcohol inebriates in municipalities of the first class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MAHONEY, Chairman.

Senate Bill No. 420 ordered on file for second reading.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 550—An Act to amend Section 171 of the Penal Code, relating to unauthorized communications with convicts in the State prisons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 3—An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act, and now maintained by the State of California at Whittier, in the County of Los Angeles, therein, approved March 23, 1893, by amending Sections 4, 6,

9, and 11—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MAHONEY, Chairman.

Senate Bills Nos. 550, 4, and 3 ordered on file for third reading.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT: Your special committee appointed to investigate the bill for furniture have had the same under consideration, and beg to report as follows:

We find that the furniture purchased by the Senate at the last session has been mingled with the furniture belonging to the Assembly, and we are unable to locate all of it exactly. With the exception of the articles mentioned below the furniture purchased appears to be in use by some of the committees in one house or the other.

The following articles, however, are located as follows:

<i>Gas Portables.</i>	
Office of Bureau of Highways.....	2
Office of Secretary of State.....	2
Office of Governor.....	4
Office of Clerk of the Supreme Court.....	1
<i>Desks.</i>	
Office of Adjutant-General.....	1
Office of the Governor.....	1
Office of the Attorney-General (revolving book case).....	1
<i>Tables.</i>	
Office of Board of Horticulture.....	3
Respectfully submitted.	

SMITH, Chairman.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 11, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 9, 1897, was approved.

LEAVE OF ABSENCE.

Senator Beard was granted a leave of absence for the day, on motion of Senator Dickinson.

At ten o'clock and ten minutes A. M., Senator Seawell was granted a leave of absence for one hour, on motion of Senator Jones.

COMMUNICATIONS.

The following were presented, and ordered printed in the Journal:

THE CHAMBER OF COMMERCE OF SAN FRANCISCO, }
SAN FRANCISCO, February 9, 1897. }

MEMORIAL.

To the honorable Legislature of California:

GENTLEMEN: The grievous burdens placed on American shipping are known to all interested therein, directly or indirectly. San Francisco is avoided by ship-owners as a registry port, and ships owned here are forced to register at other Pacific coast ports, to our detriment. Among the most oppressive legalized exactions is compulsory half pilotage. We respectfully but urgently entreat the Legislature of California to abolish this unjust and needless tax on all ships under the American flag. Thereby you will encourage the owning and local registry of shipping at San Francisco, to the great benefit of all our people, and especially of all who depend upon cheap water transportation. The Chamber of Commerce of San Francisco presents this request to the law-making power of our State, not alone on behalf of the ship-owner, but for the benefit of our commonwealth, cheap transportation being one of the controlling factors in the prosperity of our people.

Confident in your favorable reception of our petition, we subscribe ourselves,

Your fellow citizens,

THE CHAMBER OF COMMERCE OF SAN FRANCISCO.

Verdicts in Jury Criminal Cases.

Resolved, That the Chamber of Commerce of San Francisco favors the presentation to the voters of California of an amendment to the Constitution of the State, introduced in the present Legislature by Senator Voorheis, whereby three fourths of a jury may find a verdict in criminal as well as now provided for in civil actions.

Trans-Mississippi Exposition.

Resolved, That the Chamber of Commerce of San Francisco respectfully requests the honorable California Legislature, now in session, to appropriate such an amount as may be advisable to have our State properly represented at the Trans-Mississippi Exposition.

Resolved, That copies of this resolution be forwarded to the President of the California State Senate, and to the Speaker of the Assembly.

Sacramento River Improvement—Resolution.

The Chamber of Commerce of San Francisco respectfully urges upon the California Legislature the enactment of Senate Bill No. 298, for the improvement of the Sacramento River, in the interest of cheap transportation for the residents of that great and fertile valley.

HUGH CRAIG, President.

Attest: WILLIAM L. MERRY, Secretary.

Also:

SAN FRANCISCO FRUIT EXCHANGE, }
SAN FRANCISCO, February 8, 1897. }

DEAR SIR: At a meeting of the Board of Directors of the San Francisco Fruit Exchange held this day, the following resolutions were unanimously adopted:

WHEREAS, There being now before the Legislature of this State an Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect banks and levees necessary and incident to said drainage; to condemn land and property for purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act; and

WHEREAS, We believe that not only the localities directly interested, but the entire State will be benefited by this Act;

Resolved, That we heartily indorse the measure, and earnestly urge our representatives in Legislature assembled to use their every effort to make this Act a law.

For the Board of Directors:

HERMAN BENDEL, President.
T. S. TAYLOR, Secretary.

SPECIAL ORDER PASSED.

Senator Stratton moved that the special order set for this hour, the consideration of Senate Bill No. 136, be temporarily passed.
So ordered.

PETITIONS.

Senator Bulla presented the following petition, and the same was ordered printed in the Journal:

To the honorable the Senate and Assembly of the State of California, and to the Committee on Labor and Capital of the Assembly, and the Committee on Public Health and Quarantine of the Senate:

The undersigned taxpayers and citizens of the City of Los Angeles, engaged in the business of bakers therein, most respectfully and earnestly protest against the passage of Senate Bills Nos. 26 and 69, and Assembly Bills Nos. 259 and 279, or any similar legislation; and, in support of their protest, they respectfully show:

First—That the legislation proposed in said bills is special class legislation.

Second—That such legislation unnecessarily and arbitrarily interferes with the right of persons engaged in the business therein referred to, to carry on such business in a legitimate and proper manner, and virtually places the employers at the mercy of their employés.

Third—That such legislation would interfere with and abridge the right of the employer and employé of a specially designated class to enter into contracts.

Fourth—That, under the guise of regulation, it would create monopoly, and interfere with the right of the citizens to engage in and properly carry on a legitimate and useful business.

THE MEEK BAKING CO.,
LEWIS EHINGER,
GEO. H. BARNES,
A. H. EDWARDS,
And twelve others.

By Senator Androus:

To the honorable S. N. ANDROUS and honorable Mr. VOSBURG, members of the Legislature from Los Angeles County:

HONORED SIRS: The Code Commission of the Legislature, having recommended the enactment of a general saloon license law for the State of California, we, the undersigned voters, believing that such a law threatens the moral welfare of the State, do hereby earnestly protest against the passage of such a law; and we respectfully urge that you, as our representatives, vote against its enactment, or the enactment of any law of like nature.

L. Y. COPE,
E. D. PRICE,
WM. M. HASKELL,

And one hundred and seven others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 593—An Act to provide for vacating and closing up any park, plaza, public square, or other public reservation not belonging to the State, and not situated within any municipality.

Also: Senate Bill No. 597—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Also: Senate Bill No. 598—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Also: Senate Bill No. 600—An Act regulating the width of tires upon wagons and other vehicles to be used upon the highways of the State of California, and providing penalties for violations of the provisions of this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 599—An Act to amend Section 2653 of the Political Code of the State of California, relative to property highway tax—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 596—An Act to classify the roads in the State of California, and to define each class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GLEAVES, Acting Chairman.

Senate Bills Nos. 593, 596, 598, 599, and 600 ordered on file for second reading.

Senate Bill No. 597 re-referred to the Committee on Finance.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 98—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the confinement and performance of labor by prisoners in county jails—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 548—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 554—An Act to prohibit the employment of convicts confined in the State prisons of this State in the manufacture of textile fabrics other than jute grain bags, and to regulate the price and conditions of sale at which jute grain bags shall be sold by the State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bills Nos. 98, 548, 554, and 549 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved. That as Albert Lindley has resigned as History Clerk of the Senate, Albert Seales be and he is hereby appointed to the position made vacant by said resignation, at the same per diem as allowed by law.

Have had the same under consideration, and respectfully report the same back, without recommendation.

HOLLOWAY, Chairman.

Senator Bulla moved the adoption of the resolution.

The roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Henderson, Jones, Linder, Luchsinger, Mahoney, Morehouse, Frisk, Shine, Shippee, Simpson, Smith, and Stratton—25.

NOES—Senators Trout and Withington—2.

Whereupon the President pro tem. declared that, under the Joint Rules of Senate and Assembly, a four-fifths vote was required to adopt the resolution, and it not having received a four-fifths vote of all the members elected to the Senate, the same was refused adoption.

BILL RE-REFERRED.

On motion of Senator Franck, Senate Bill No. 562—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as

amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—was re-referred to the Committee on Banks and Banking.

SPECIAL ORDERS.

The consideration of Senate Bill No. 136 having been previously passed temporarily, the same was taken up.

SECOND READING OF BILL.

Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

During the second reading of bill, the following amendments were submitted:

By Senator Stratton:

Amend Section 160, as amended, of Senate Bill No. 136, by striking out said section and inserting in lieu thereof the following:

SEC. 160. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries:

1. The County Clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the County Clerk, one chief deputy, whose salary is hereby fixed at the sum of sixteen hundred dollars per annum; four courtroom deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; and four deputies, whose salaries are hereby fixed at the sum of one thousand dollars per annum each; and one copyist, whose salary is hereby fixed at the sum of six hundred dollars per annum; the chief deputy, eight deputies, and one copyist herein provided for shall be appointed by the Clerk of said county, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of County Clerk.

2. The Sheriff, four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the Sheriff one Under-Sheriff, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one assistant jailer, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; and five deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; the Under-Sheriff, chief jailer, assistant jailer, and five deputies herein provided for, shall be appointed by the Sheriff of said county, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Sheriff; *provided*, that in counties of this class the Sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the County Auditor a verified statement, showing the names of persons and amounts paid to each for expense of feeding such prisoners, and the Sheriff shall thereupon pay over to the County Treasurer, for the use of the county, any difference between the amount allowed for such purpose by the Supervisors and the amount actually expended by him therefor.

3. The Recorder, four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the Recorder one chief deputy, whose salary is hereby fixed at fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one mortgage deputy, whose salary is hereby fixed at twelve hundred dollars per annum; *provided further*, that the chief deputy, two deputies, and one mortgage deputy herein provided for, shall be appointed by the Recorder of said county, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Recorder; *provided further*, that in counties of this class the Recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office at the rate of six cents per folio for each paper or document so recorded; and *provided further*, that said Recorder shall file monthly, with the County Auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

4. The Auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Auditor one deputy, who shall be appointed by the Auditor of said county, and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one clerk, to serve for the period of six months in each year, at a compensation of seventy-five dollars per month, and such additional assistants as the Auditor may require, and whose compensation shall not in the aggregate exceed the sum of five hundred dollars per annum; and *provided*, that the Auditor shall file with the County Clerk a verified statement, showing in detail the amounts

paid, and the persons to whom said compensation is paid, for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Auditor.

5. The Treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Treasurer one deputy, who shall be appointed by the Treasurer of said county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sum shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Treasurer.

6. The Tax Collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Tax Collector one chief deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the Tax Collector one extra deputy for the month of April of each year, whose salary shall be one hundred dollars for such month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and four extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and eight extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; *provided further*, that the chief deputy, and all other deputies herein provided for, shall be appointed by the Tax Collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Tax Collector.

7. The Assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Assessor one chief deputy, whose salary is hereby fixed at eighteen hundred dollars per annum, one deputy, whose salary is hereby fixed at twelve hundred dollars per annum; and *provided further*, that there shall be and there hereby is allowed to the Assessor two poll-tax or other deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; five deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; four copyists, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; seven outside field deputies, whose salaries are hereby fixed at one hundred and twenty-five dollars per month each during the time which they shall hold office, as hereinafter provided; one cashier, whose salary is hereby fixed at one hundred dollars per month during the time which he shall hold office, as hereinafter provided; one personal property tax collector, who shall hold office for the period of four months, as hereinafter provided, and at a compensation of one hundred dollars per month; and three extra deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; *provided*, that the chief deputy, personal property tax collector, all other deputies, all copyists, and cashier herein provided for shall be appointed by the Assessor of said county; *provided further*, that the one chief deputy, one deputy, two poll-tax or other deputies, five deputies, four copyists, seven outside field deputies, personal property tax collector, cashier, and three extra deputies herein provided for shall be paid during the time which they shall hold office as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Assessor; *provided further*, that the two poll-tax deputies, five deputies, four copyists, seven outside field deputies, one personal property tax collector, and three extra deputies herein provided for shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday in July of each year; and the cashier herein provided for shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday of September of each year.

It is hereby further provided, that in counties of this class the Assessor shall receive no commission for his collection of taxes on personal property, nor shall such Assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said Assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty, as provided by Section 1901 of the Political Code; *provided, however*, that should the Assessor be directed by any law, or by any order of the Board of Supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, block books for the use of the county, or assessment rolls for the use of any municipality, then said Assessor shall only receive the actual cost by him incurred in making or preparing such maps, plats, block books, or assessment rolls; and *provided further*, that he shall file with the County Auditor a sworn statement, showing the persons to whom, and the amounts paid to each, for such maps, plats, block books, or any such assessment rolls, and that he shall account forthwith and pay over to the county any difference between such cost and the amount so allowed by him for such work; and *provided further*, that in counties of this class the Board of Supervisors is hereby authorized, whenever in their opinion such a course is

necessary, upon a petition therefor and showing made to their satisfaction by such Assessor, to permit him to employ extra deputies or assistants, in addition to the deputies, assistants, allowance, and compensation above set forth; *provided*, that such extra deputies or assistants so allowed to such Assessor shall not receive in any one year in the aggregate a sum exceeding two thousand five hundred dollars per annum, nor shall the compensation, salary, or allowance of any such extra assistants or deputies exceed the sum of one hundred dollars per month each; *and provided further*, that the Assessor shall file with the County Clerk a verified statement showing the persons to whom such compensation has been paid, and the amount paid to each.

8. The District Attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the District Attorney one Chief Deputy District Attorney, whose salary is hereby fixed at two thousand dollars per annum; one Assistant District Attorney, whose salary is hereby fixed at fifteen hundred dollars per annum; one Deputy District Attorney, whose salary is hereby fixed at twelve hundred dollars per annum; and one clerk, whose salary is hereby fixed at the sum of six hundred dollars per annum; *provided further*, that the Chief Deputy District Attorney, Assistant District Attorney, and Deputy District Attorney, and clerk shall be appointed by the District Attorney, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the District Attorney.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Superintendent of Schools one deputy, whose salary is hereby fixed at nine hundred dollars per annum; *provided*, that the said deputy shall be appointed by the Superintendent of Schools, and such salary shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the Superintendent of Schools; *provided, however*, that the office of such official shall be kept open the same as other public offices in the county.

12. The Surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the Surveyor is directed or charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such County Surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the Board of Supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further*, that such County Surveyor shall file with the County Auditor a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

13. In townships having a population of forty thousand and over, Justices of the Peace of said township shall receive a salary of two thousand dollars per year, in full for all services rendered or to be rendered by them in criminal cases or proceedings, or cases or proceedings to which the State or county shall be a party, and in all civil business; *and provided*, that all fees received by them which may now or which may hereafter be allowed by law shall be accounted for and paid over by them to the county.

(2) In all other townships, in counties of this class, the Justices of the Peace shall receive such fees as are now or may hereafter be allowed by law. Each Justice of the Peace must keep a book, open for the inspection of the public during office hours, in which must be entered, and in detail, the amounts of all fines received by him in criminal cases, and all fees received, and on the first Monday of each and every month he must pay such fines and fees so collected (less the amount now provided by law to be paid to some other officer or person, or to be retained by such Justice) into the county treasury, for the benefit of the county.

14. Constables, such fees as are now or may hereafter be allowed by law.

For the purpose of regulating the compensation of Justices of the Peace and Constables, as provided in this and the foregoing section, townships in this class of counties are hereby classified according to their population, as shown and ascertained by the Federal census of eighteen hundred and ninety.

15. Each Supervisor, one hundred and twenty-five dollars per month and mileage, at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month.

16. All deputies and assistants hereinbefore provided for shall be appointed by their respective principals, and the salaries of all deputies and assistants shall be paid in the same manner, and out of the same fund, as the salaries of their respective principals.

17. All Acts and parts of Acts giving to any of the officers enumerated in this section any additional or other compensation, deputies, clerks, or assistants, are hereby repealed.

18. This section shall be in force and effect from and after the first Monday after the first day of January, eighteen hundred and ninety-nine; *provided*, that none of the provisions of this Act herein or elsewhere contained shall be construed as diminishing the

fees, compensation, emoluments or receipts of any incumbent or incumbents of offices of counties of the third class but such provisions shall only be in force and effect as to the offices and officers enumerated in this section after said last named date.

Amendment adopted.

By Senator Langford:

Amend subdivision 15 Section 164 line 1 by striking out the word "six" after the word "superintendents," and inserting in lieu thereof the word "nine."

Amendment adopted.

By Senator Luchsinger:

Amend by striking out of Section 169 subdivision 1 the words "five hundred dollars for each registered."

Amendment adopted.

Also Amend by striking out of Section 169 line 19 the words "twenty-four hundred" (as amended) and inserting in lieu thereof the following: "three thousand."

Amendment adopted.

By Senator Flint:

Amend by inserting in Section 175 line 11 after the word "and" at end of line the following: "actual traveling expenses when visiting the schools of his county but."

Amendment adopted.

By Senator Aram:

Amend his amendment to Section 181 of Senate Bill No. 136 by adding to such amendment to paragraph 14 relating to: "ascertains the following: "The superintendents of counties of the second class shall ascertain and determine on or before August first, eighteen hundred and ninety-eight, and yearly thereafter the population of the several townships of the county for the purposes hereof."

Amendment adopted.

By Senator Dickinson:

Amend by adding to Section 183 on page 109 printed bill as follows: "16. The compensation herein provided for Constables shall take effect immediately and affect future debts."

Amendment adopted.

By Senator Linder:

Amend by striking out of Section 211 line 5 the words "twelve hundred," and inserting the following: "eight hundred."

Amendment adopted.

Also Amend by striking out of Section 211 line 10 the words "twelve hundred," and inserting the following: "one thousand."

Amendment adopted.

Senate Bill No. 136 read second time, and ordered to print.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON SUPPLIES.

SENATE CHAMBER, SACRAMENTO February 11 1897.

MR. PRESIDENT: Your committee on Judiciary to whom was referred Senate Bill No. 607—An Act to amend Section 202 of the Code of Civil Procedure of the State of California relative to the custody of depositions in this State.

Also Senate Bill No. 608—An Act relating to the taking of evidence and amending Section 182 of the Penal Code of the State of California.

Also Senate Bill No. 610—An Act to regulate the practice of architecture.

Have had the same under consideration and respectfully report the same back, and recommend that the bill be allowed to withdraw the same.

Also: Senate Bill No. 610—An Act to amend Section 841 of the Civil Code of the State of California, and to add to said Code two new sections, to be numbered as and known as Section 841 and Section 842, all relating to the rights and duties of coterminous owners to maintain boundaries, monuments, and fences between them, and to the enforcement of said rights and duties.

Also: Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Also: Senate Bill No. 625—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 218 thereof, relating to train-wrecking, and the punishment thereof.

Also: Senate Bill No. 635—An Act to amend Section 53 of the Code of Civil Procedure of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 559—An Act to amend Section 772 of an Act entitled "An Act to establish a Penal Code," approved March 11, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Also: Senate Bill No. 481—An Act to amend Section 1241 of the Civil Code, relative to sales of homesteads under execution, or by order or decree of court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SIMPSON, Chairman.

Senate Bills Nos. 607, 608, 613, 610, 621, 625, 635, 559, 364, and 481 ordered on file for second reading.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 475—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for refunding or compromising irrigation district bonds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 646—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property in accordance with agreements between the creditors of the districts and property owners therein—have had the same under consideration, and respectfully report the same back, without recommendation.

ANDROUS, Chairman.

Senate Bills Nos. 475 and 646 ordered on file for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred Assembly Bill No. 738—An Act to amend Sections 237, 245, 246, and 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employes of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WITHINGTON, Chairman.

Assembly Bill No. 738 ordered on file for third reading.

BILL RE-REFERRED.

On motion of Senator Morehouse, Senate Bill No. 502—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to the appointment of special administrators—was re-referred to the Committee on Judiciary.

WITHDRAWAL OF BILLS.

Senator Gleaves asked unanimous consent to withdraw Senate Bill No. 599—An Act to amend Section 2653 of the Political Code of the State of California, relative to property highway tax.

Consent granted.

Senate Bill No. 599 withdrawn and ordered stricken from the file.

Senator Henderson asked unanimous consent to withdraw Senate Bill No. 607—An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relative to the taking of depositions in this State.

Consent granted.

Senator Henderson asked unanimous consent to withdraw Senate Bill No. 608—An Act relating to the falsifying of evidence, and amending Section 132 of the Penal Code of the State of California.

Consent granted.

Senate Bills Nos. 607 and 608 withdrawn, and ordered stricken from the file.

Senator Langford asked unanimous consent to withdraw Senate Bill No. 613—An Act to regulate the practice of architecture.

Consent granted.

Senate Bill No. 613 withdrawn, and ordered stricken from the file.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 191—An Act concerning champerty and maintenance, and to punish those guilty thereof.

Consent granted.

Senate Bill No. 191 withdrawn, and ordered stricken from the file.

Senator Jones asked unanimous consent to withdraw Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Consent granted.

Senate Bill No. 81 withdrawn, and ordered stricken from the file.

Senator Henderson asked unanimous consent to withdraw Senate Bill No. 72—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates, for the forty-ninth and fiftieth fiscal years.

Consent granted.

Senate Bill No. 72 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 626—An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

SHIPPEE, Chairman.

Senate Bill No. 626 ordered on file for second reading.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 603—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State; for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 618—An Act to provide, establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California and heretofore used by the California Home for the Care and Training of Feeble-Minded Children, near the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend the accompanying substitute do pass.

MAHONEY, Chairman.

Senate Bill No. 603 ordered on file for second reading
Senate Bill No. 618 re-referred to the Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Also: Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Also: Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Also: Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Claims, Retrenchment, and Public Expenditures.

VOORHEIS, Chairman.

Senate Bills Nos. 642, 643, 644, and 645 re-referred to the Committee on Claims, Retrenchment, and Public Expenditures.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up for consideration:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 10th day of February, passed Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 622 referred to the Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, joint and concurrent resolutions, and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator Prisk: Senate Bill No. 676—An Act to provide for the

appointment of a mining inspector in each congressional district in the State, to define his duties and provide for his compensation, and the liability of mining operators.

Referred to the Committee on Mines, Drainage, and Mining Debris.

By Senator Doty: Senate Joint Resolution No. 14, relating to first and second-class postmasters.

By Senator Linder: Senate Bill No. 677—An Act to amend Section 1618 of the Code of Civil Procedure of California, relating to the salaries of Public Administrators.

Referred to the Committee on Judiciary.

By Senator Toner: Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith.

Referred to the Committee on Corporations.

By Senator Hall (by request): Senate Bill No. 679—An Act to regulate the collection and disposition of all garbage, offal, ashes, and other refuse matter in towns, cities, and cities and counties.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Chapman: Senate Bill No. 680—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, to provide compensation for such services, and to distribute the moneys received on such claims.

Referred to the Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 681—An Act to provide the mode for changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Langford: Senate Bill No. 682—An Act to amend Section 348 of the Code of Civil Procedure, relating to the time in which actions can be brought to recover money or other property deposited with any bank, banker, trust company, or savings and loan society, or to recover any tax or impost, or to enforce any lien created to secure the payment thereof.

Referred to the Committee on Judiciary.

By Senator Stratton: Senate Bill No. 683—An Act to create and regulate in any city, or city and county in this State, public warehouses.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Morehouse: Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

Referred to the Committee on Hospitals.

Also: Senate Bill No. 685—An Act to regulate the sale of proprietary medicines, bitters, and tonics.

Referred to the Committee on Hospitals.

By Senator Bulla: Senate Concurrent Resolution No. 4—A resolution

recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

Also: Senate Concurrent Resolution No. 5, relative to the National Educational Association.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 583—An Act to provide for the appointment, by the Supreme Court, of five commissioners, to be known as Commissioners of the Supreme Court, and to appoint a secretary therefor, to relieve said court from the overburdened condition of its calendar, and to provide for the compensation of said commissioners and secretary, and to appropriate money therefor.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 583, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 583 passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

By unanimous consent Senator Wolfe offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 647, heretofore referred to the Committee on Federal Relations and Immigration, be recalled from said committee and referred to Committee on Judiciary.

Resolution adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

Senate Bill No. 647 re-referred to the Committee on Judiciary.

Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889; and to amend also the amendment to Section 7 of said Act, approved March 31, 1891.

The bill having been read a third time on a previous day, the question recurred upon its passage.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.

NOES—None.

Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

The Committee on Rules and Revision having reported favorably on a previous day, and the bill having been read previously, the question recurred on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 104—An Act prohibiting ring-fights, prize-fights, glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

The Committee on Rules and Revision having reported favorably on a previous day, and the bill having been read a third time, the question recurred on the passage of the bill.

The roll was called, and Senate Bill No. 104 passed by the following vote:

AYES—Senators Aram, Boyce, Bulla, Chapman, Doty, Franck, Gillette, Gleaves, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Simpson, Stratton, Trout, Voorheis, and Withington—21.

NOES—Senators Bert, Braunhart, Denison, Dickinson, Dwyer, Feeney, Hall, Henderson, Holloway, Luchsinger, Prisk, Shine, Toner, and Wolfe—14.

Title read and approved.

Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools and employment of teachers of physical culture.

The Committee on Rules and Revision having reported favorably on a previous day, and the bill having been read a third time, the question recurred on the passage of the bill.

The roll was called, and Senate Bill No. 176 passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.

NOES—None.

Title read and approved.

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Sixth and Seventh streets, in said city.

The Committee on Rules and Revision having reported favorably on a previous day, and the bill having been read a third time, the question recurred on the passage of the bill.

The roll was called, and Senate Bill No. 290 passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

During the reading of title the following amendment thereto was submitted by Senator Morehouse:

Amend by striking out of title the words "Sixth and Seventh," and inserting the following: "Fifth and Sixth" in lieu.

Amendment adopted.

Bill ordered to print and reëngrossment, but to retain its place on file.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

WITHDRAWAL OF BILLS.

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 34—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893—and substitute therefor on file Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Consent granted.

Senate Bill No. 34 withdrawn, and ordered stricken from the file, and Senate Bill No. 441 substituted therefor on file.

Senator Voorheis asked unanimous consent to withdraw Senate Bill No. 152—An Act to amend Section 3555 of Article VI of the Political Code of the State of California—and substitute therefor on file Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands and the foreclosure of delinquent purchasers thereof.

Consent granted.

Senate Bill No. 152 withdrawn, and ordered stricken from the file, and Senate Bill No. 491 substituted therefor on file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto,

to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

By unanimous consent, bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Bill passed on file, but to retain its place.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

On motion of Senator Seawell, Senate Bill No. 95 was re-referred to the Committee on Rules and Revision to amend, bill to retain its place on file.

Senate Bill No. 174—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1430½, relating to trials without a jury, in Justices' Courts.

Senator Dickinson moved that the bill be refused third reading.

The roll was called, and Senate Bill No. 174 was refused third reading by the following vote:

AYES—Senators Bulla, Jones, La Rue, Pedlar, Shippee, Smith, Stratton, Trout, and Withington—9.

NOES—Senators Androus, Aram, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Langford, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Toner, Voorheis, and Wolfe—27.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

Senator Dickinson asked unanimous consent to introduce a bill.

Consent granted.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced and read the first time:

By Senator Dickinson: Senate Bill No. 686 (Substitute for Senate Bill No. 480)—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Bill read first time, and ordered to print.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes p. m.)

THIRD READING OF BILLS.

Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

Bill passed on file, but to retain place.

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 316, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and before the vote was announced Senator Mahoney moved a call of the Senate.

A roll call was demanded by Senators Brauhart, Bulla, and Chapman.

The roll was called, and the motion for the call of the Senate was lost by the following vote:

AYES—Senators Boyce, Brauhart, Doty, Feeney, Hall, La Rue, Mahoney, Morehouse, Pedlar, Toner, and Trout—11.

NOES—Senators Androus, Aram, Bert, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Luchsinger, Shine, Shippee, Simpson, Smith, Stratton, Voorheis, and Withington—20.

The question recurring on the passage of the bill.

The roll was called, and Assembly Bill No. 316 refused final passage by the following vote:

AYES—Senators Brauhart, Bulla, Chapman, Doty, Feeney, Hall, La Rue, Linder, Mahoney, Morehouse, Prisk, Toner, Trout, and Withington—14.

NOES—Senators Androus, Bert, Boyce, Denison, Dickinson, Franck, Gillette, Holloway, Jones, Luchsinger, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, and Voorheis—17.

Whereupon the President declared that the Senate refused to finally pass Assembly Bill No. 316.

NOTICE OF RECONSIDERATION.

Senator Bert gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 316 was this day refused a final passage.

Assembly Bill No. 12—An Act to amend Section 312 of the Code of

Civil Procedure of the State of California, relating to the time of commencing actions.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 12, and have examined the same, and report that the same is correct in text and reference, and contains no unconstitutional provisions, but your committee is of the opinion that its object is provided for by existing laws.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 12 refused final passage by the following vote:

AYES—Senators Braunhart, Bulla, and La Rue—3.

NOES—Senators Androus, Bert, Boyce, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Morehouse, Prisk, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—25.

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill passed on file, but to retain its place.

Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874; April 23, 1880.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 453, have examined the same, and report that the object cannot be secured under existing laws, and that the same is correct in text and reference, except as follows: Strike out the words "An Act amendatory of," and the words "approved April 23, 1880," in the title of said bill; also in line 1, of Section 1, strike out the words "said Act," and insert in place thereof the words, "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining, approved March 30, 1874."

They therefore recommend that Senator Prisk be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

Senator Prisk was appointed a special committee of one to amend the bill, as suggested by the Committee on Rules and Revision.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 453, with instructions to amend, respectfully reports the same back, amended as per instructions.

PRISK, Committee.

Bill ordered to print.

Assembly Bill No. 21—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 21, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 21 finally passed by the following vote:

AYES—Senators Androus, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Shine, Simpson, Stratton, Trout, Voorheis, and Withington—27.

NOES—Senators Pedlar and Smith—2.

Title read and approved.

Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

On motion, Senator Denison was appointed a special committee of one to amend as follows:

Strike out all after the word Section 2, on page 2, and insert in lieu the following: "This Act and the Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation, approved March 24, 1893, relating to the office of Commissioner of Public Works, of which Act this is amendatory, shall cease, terminate, and be at an end on the first day of March, 1899, and the office of commissioner created hereunder, and under said Act approved March 24, 1893, and all officers and employes appointed by said commissioner, shall cease, and their employment thereafter shall be discontinued, and the State of California shall in no manner whatever be liable for the compensation of the commissioner, officers or employes employed by him, or by said commissioner after said date;" also amend by inserting a new section to said bill, to be numbered Section 3, to read as follows:

SEC. 3. This Act shall take effect immediately.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 134, with instructions to amend, respectfully reports the same back, amended as per instructions.

DENISON, Committee.

Report of special committee of one and amendment adopted.

On motion, Senator Denison was appointed a special committee of one to amend as follows:

Amend Section 1, printed bill, by striking from lines 23 and 24 the words "*provided*, that the salary of the present incumbent be not affected."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 134, with instructions to amend, respectfully reports the same back, amended as per instructions.

DENISON, Committee.

Report of special committee of one and amendment adopted.

Senator Withington moved that Senator Smith be appointed a special committee of one to amend as follows:

Amend by adding to Section 1, line 25, the words: "*provided*, that this Act shall not extend the existence of said office beyond the time provided in the original Act."

Motion lost.

Bill read third time, and ordered to print.

Assembly Bill No. 70—An Act to amend Section 105 of the Code of Civil Procedure of the State of California, relating to the powers of Justices of the Peace to call in other Justices of the Peace to act in their place and stead.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 70, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 70 finally passed by the following vote:

AYES—Senators Aram, Bert, Braunhart, Bulla, Chapman, Doty, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Stratton, Toner, Trout, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

Assembly Bill No. 416—An Act to amend Section 389 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 416, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 416 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—29.

NOES—None.

Title read and approved.

SECOND READING OF BILLS.

Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

During second reading of bill, the following amendments were submitted:

By the committee:

Amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 by inserting after the number of the section sought to be amended or replaced, in each, the words "of the Penal Code."

Amendment adopted.

By Senator Hall:

Amend by adding in Section 1, line 7, after the word "duck," the words "except canvas-back or bluebill."

Also: In line 30, after the word "duck," add the following: "except canvasback and bluebill."

Amendments adopted.

Also: Insert between "destroy" and "the," "or offer for sale."

Amendment adopted.

Also: In line 49, insert between the words "jail" and "in" "in the county."

Amendment adopted.

By Senator Withington:

Amend by inserting in Section 1, line 20, after the word "canary," the words "meadow lark."

Amendment adopted.

Also: In Section 1, line 20, printed bill, strike out the word "robin" and insert in lieu "murre."

Amendment lost.

Also: In line 22, strike out "or" between "nests" and "take."

Amendment lost.

Also: Strike out between "take" and "destroy" and insert commas.

Amendment lost.

Bill read second time and ordered to print.

Assembly Bill No. 7—An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 415—An Act to amend Section 383 of the Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 283—An Act to change and permanently locate the boundary line between the counties of Butte and Yuba.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 182—An Act to authorize any city or city and county of this State to take its census.

During second reading of bill, the following amendment was submitted:

Amend by prefixing to last section, on page 2, the following: "Sec. 4."

Amendment adopted.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
Senator Prisk moved that messages from the Assembly be taken up.
So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Also: Assembly Bill No. 304—An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act.

Also: Assembly Bill No. 681—An Act concerning bridges across navigable streams.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 742 and 304 read first time and referred to the Committee on Finance.

Assembly Bill No. 681 referred to the Committee on Roads and Highways.

THIRD READING OF SENATE BILLS.

Senate Bill No. 158—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by inserting a new section therein, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 158, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 158 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Prisk, Shine, Shippee, Simpson, Smith, Stratton, and Withington—28.

NOES—None.

Title read and approved.

Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 373, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 373 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Holloway, Jones, Langford, La Rue, Luchsinger, Morehouse, Prisk, Shine, Shippee, Simpson, Smith, Stratton, and Withington—25.

NOES—None.

Title read and approved.

Senate Bill No. 188—An Act to amend an Act entitled “An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors,” approved March 26, 1895.

Bill passed on file, but to retain its place.

Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 370, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

Senator Aram moved to appoint Senator Gillette a special committee of one, with instructions to amend Senate Bill No. 370, as follows:

Strike out all of Section 1 after the words “Section 1,” and insert the following:

Section 3495 of the Political Code is hereby amended to read as follows:

SEC. 3495. Any person desiring to purchase any portion, not less than the smallest legal subdivision of any of the lands mentioned in Section 3494, in any township which has been surveyed by the United States, must make an affidavit that he is a citizen of the United States, or has filed his intention to become such, a resident of this State of lawful age, that he desires to purchase such lands (describing the same by legal subdivisions) under the provisions of this title; that there is no occupation of such lands adverse to any that he has, or if there is an adverse occupation the affidavit must show that the township has been sectionized three months, and that the adverse occupant (giving his name) has been in such occupation more than sixty days since the plat was filed in the United States Land Office; that he desires to purchase the same for his own use and benefit, and for the use and benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same. The affidavit must also state whether the land is or is not suitable for cultivation, and if it is, that the applicant is an actual settler thereon, and that he has not entered any portion of any lands mentioned in Section 3494, which, together with that now sought to be entered, exceeds six hundred and forty acres. Lands unsuitable for cultivation may be sold in quantities not exceeding six hundred and forty acres to any person, under the restriction other than as to actual settlement prescribed for the sale of cultivable lands. The Surveyor-General and Register of the Land Office must make and enforce all necessary rules and regulations to prevent the sale of school lands suitable for cultivation to any person not an actual settler thereon; *provided*, that any smallest legal subdivision of school lands shall be deemed suitable for cultivation if any part not less than one half of its area will, without artificial irrigation, but with or without the clearing of timber or other growth therefrom, by the ordinary processes of tillage, produce ordinary agricultural crops in average quantity; *and provided*, that any contest of the applicant's right to purchase, arising from the character of the land as cultivable or otherwise, may be referred to the Superior Court of the proper county as in other cases, for determination; *and provided further*, that no contest of the applicant's right to purchase, arising from adverse occupation, shall be maintained, except by a prior adverse occupant, who shall have filed an application to purchase the land under the provisions of this section; and no occupation of land by a person other than the applicant shall be an adverse occupation within the meaning of this section, unless such occupation is by a person who is entitled to purchase the same under the provisions hereof, and who files his application therefor within the time prescribed by Section 3497 of this code.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 370, with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 93, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

Senator Langford moved that Senator Dickinson be appointed a special committee of one to amend, as follows:

Amend Section 1, to read:

SECTION 1. It shall be the duty of every owner or owners of agricultural lands through which runs or which border upon a natural channel, not navigable, subject to injurious overflow of water, to cut or remove, or burn all trees, brush, or other vegetable growth, found growing in, or on the banks sloping toward the channel, and to plow up the vegetable growth once a year, when required to do so by the Board of Supervisors of the county in which the land is situate; and in case any land borders upon any such channel, and such channel forms a boundary line of such land, it shall be the duty of the owner or owners thereof to do and perform the said work in and to the middle and center line of such channel.

SEC. 2. The Board of Supervisors, or overseers appointed by them, shall have the power to examine all channels above described, during the months of September, October, and November, to see that the purpose of this Act is carried out, and in case the owner or owners of the lands refuse or neglect to perform the work described in section one, and as ordered by the board, or overseer appointed by the board, the board may have the work done, as a charge upon the land, and shall certify the same to the Tax Collector, who shall collect the same at the same time and manner that he collects the State and county taxes.

SEC. 3. In case any channel described in Section 1 diverges and forms a delta, it shall be the duty of the Board of Supervisors to divide the stream so that each branch shall receive the water in proportion to its capacity to carry the same; and in case any channel forms the boundary line between two tracts of land possessed by different owners, any charge made under section two of this Act shall be made so as to be a charge upon the land of which the bank or banks upon which the work is done form a part.

SEC. 4. This Act shall take effect immediately.

Amendment adopted.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 93, with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report was received and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1897.

MR. PRESIDENT: Your committee, who was sent to investigate the condition and wants of the Preston School, at Ione, beg leave to report as follows:

We arrived at the place on Saturday evening, and were shown the tract of land adjoining the property of the State, and found it a very desirable and most reasonable purchase, and were unanimously in favor of its procurement. It consists of about two hundred and forty acres, with some improvements, and is bonded for \$5,000.

We were then shown the property of the school, including the principal buildings, power-house, and out buildings, and were very favorably impressed by the appearance of things, the efficient management, economical as well as otherwise. The boys appear well trained and obedient, and it is the sense of this committee that much good will result from their stay in this institution.

We find that there are many improvements necessary, and, although we would gladly recommend all that the management desires, we will give a summary of that only which is actually necessary. There is not room enough for dormitories and assembly purposes, nor for dining purposes. The committee recommend the following improvements as actually necessary:

Dining-room, assembly-room, etc.	\$23,000
Furnishing same	1,000
One double cottage	15,000
Furnishing same	1,750
Ice and refrigerator plant	2,500
Printing outfit	500
Equipment for blacksmith shop	800
Equipment for carpenter shop	500
Enlarging cow barn	500
Fencing	1,500
Forcing houses	600
Walk, water pipe, etc.	1,000
Twenty cows	500
Total	\$49,150

While we see the necessity of a hospital building in case of an epidemic, we think the location and surroundings so favorable that at this time it can be dispensed with; also, the settling reservoir, which would be very desirable, would finances permit, can be left for the future. The printing outfit has been placed by the committee at only \$500, for the reason that we think it possible to transfer some of the State property not now in use to this institution; the same view we have taken in relation to the wants of the library.

We also append herewith the expenses of this committee, viz.:

Four fares to and from Ione, at \$4 10	\$16 40
Hotel and incidental expenses	3 60
	<hr/> \$20 00

Respectfully submitted.

GLEAVES.
TONER.
LUCHSINGER.
DOTY.

That portion of the foregoing report setting forth the expenses of the committee was referred to the Committee on Attachés, Contingent Expenses, and Mileage.

NOTICE TO AMEND RULES.

Senator Dickinson gave notice that he would, on to-morrow, move to amend the Standing Rules of the Senate, so as to provide for night sessions.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Senator Doty the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 12, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 10, 1897, was approved.

RE-CALL OF BILL.

Senator Bulla moved that Assembly Bill No. 21, which was on yesterday finally passed by the Senate and not as yet transmitted to the Assembly, be taken up for further action.

So ordered.

Bill recalled.

Senator Bulla moved that the vote whereby Assembly Bill No. 21 was on yesterday finally passed be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—34.

NOES—None.

Senator Bulla moved that Assembly Bill No. 21 be now taken up and considered.

So ordered.

THIRD READING OF BILL—(OUT OF ORDER).

Assembly Bill No. 21—An Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

On motion of Senator Bulla, Senator Androus was appointed a special committee of one to amend Assembly Bill No. 21, as follows:

By striking out of line 56, Section 1, the words "a majority," and inserting in lieu thereof "two thirds."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 21, with instructions to amend, respectfully reports the same back, amended as per instructions.

ANDROUS, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following account:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby authorized to pay the following bill, as per voucher, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant therefor, in favor of the Sergeant-at-Arms of the Senate, and the Treasurer is directed to pay the same:

SACRAMENTO, CAL., January 25, 1897.

Sold to Senate Chamber, by John Breuner:

1 looking-glass	\$3 50
1 desk	50 00
1 office chair	9 00
2 antique desks	60 00
3 antique desks	75 00
2 antique desks	70 00
2 antique desks	70 00
3 office chairs	22 50
6 office chairs	39 00
1 revolving bookcase	27 50
1 antique desk	25 00
2 chairs	24 00
1 desk	35 00
1 office table (to order)	20 00
1 antique desk	25 00
1 office chair	12 00
1 typewriter desk	30 00
	<hr/>
	\$597 50

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

We respectfully further recommend that the following resolution be adopted:

Resolved, That all furniture and property purchased out of the Contingent Fund for the use and benefit of the Senate be properly invoiced and kept in order, that the same may be available for each succeeding session of the Senate, and the Sergeant-at-Arms be required to take the said invoice, and at the close of the session to file the same with the Secretary of State.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolutions adopted by the following vote:

AYES—Senators Androus, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Feeney, Franck, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—25.

NOES—Senator La Rue—1.

SUPPLEMENTARY REPORT.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your committee appointed to inquire into the furniture purchased by the Senate, beg leave to submit the following supplemental report, and advise that at the end of the session the Sergeant-at-Arms have marked all of the tables, desks, chairs, and other property belonging to the Senate, and used by it in its committee rooms,

and deliver the same to the State Janitor, who shall receive the same and lock it up in some secure place and keep it there, to be delivered to the Sergeant-at-Arms of the Senate at the meeting of each session of the Legislature.

SMITH, Chairman.

Supplementary report adopted.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 565—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours, in mills, factories, shipyards, foundries, and other places where fixed machinery is used.

Also: Senate Bill No. 448—An Act to promote competency and skill among practicing barbers, and to regulate the practice of such in the State of California.

Also: Senate Bill No. 368—An Act entitled an Act to amend the Political Code, by adding a new section requiring all goods, wares, and merchandise made in any prison or other establishment in which convict labor is employed, to be branded or labeled for identification.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 26—An Act to provide for the proper sanitary condition of bakeries, hotels, and public restaurants, and the preservation of the health of the employes therein, and providing for the appointment of a bake-house inspector—have had the same under consideration, and report the same back, and recommend that it do not pass as amended.

Also: Senate Bill No. 103—An Act relating to keepers of intelligence offices.

Also: Senate Bill No. 256—An Act to provide for the giving of bonds by the keepers of intelligence offices, defining the same, and their liabilities.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOREHOUSE, Chairman.

Senate Bills Nos. 565, 448, 368, 26, 103, and 256 ordered on file for second reading.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 418—An Act to appropriate money for the support of aged persons in indigent circumstances—have had the same under consideration, and respectfully report the same back, amended, and without recommendation.

ARAM, Chairman.

Senate Bill No. 418 re-referred to the Committee on Finance.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 471—An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education—have had the same under consideration, and respectfully report the same back, and recommend that a bill prepared by this committee be substituted for said bill, and that the substitute do pass.

BOYCE, Chairman.

Senate Bill No. 471 ordered on file for second reading.

The following voucher and resolution was presented, and referred to the Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to pay \$12 50 to Mrs. Mary Wells, for washing towels, as per itemized bill.

SACRAMENTO, January 31, 1897.

To Mrs. Mary Wells, Dr.:

To washing sixteen large roller towels each day of the session, from January 4th to January 31st, inclusive, \$12 50.

Note to Committee: Sixteen towels per day, for thirty-one days, would make a total of 496 towels—making less than fifty cents per day for such labor—which is but very little for such work; and I believe less expensive than if done by any laundry.

Yours respectfully,

MRS. MARY WELLS.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator La Rue: Senate Bill No. 686—An Act making an appropriation to pay the claim of Theodore A. Bell.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Seawell: Senate Bill No. 687—An Act to add a new section to the Penal Code, to be known as Section 1424, relative to the manner of applying for pardons.

Referred to the Committee on State Prisons and Prison Buildings.

By Senator Voorheis: Senate Bill No. 688—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the management and maintenance of the same, and to make an appropriation therefor," approved March 11, 1889, relating to the commitment to, detention in, and discharge from said School of Industry of certain minors.

Referred to the Committee on Judiciary.

By Senator Braunhart (by request): Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California.

Referred to the Committee on Constitutional Amendments.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Bert moved a reconsideration of the vote whereby Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California—was on yesterday refused final passage by the Senate:

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Frank, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—34.

NOES—None.

On motion of Senator Bert, Assembly Bill No. 316 was ordered placed at the head of the special file of Assembly bills, and made a special order for further consideration on Tuesday next.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Fifth and Sixth streets, in said city.

Bill passed on file, but to retain its place.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 441, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 441 passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luch-singer, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Bill passed on file.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Bill passed on file, but to retain its place.

Senate Bill No. 188—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

On motion of Senator Stratton, Senate Bill No. 188 was withdrawn from file and Senate Bill No. 140 was substituted therefor on file.

Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

Bill read third time.

On motion of Senator Stratton, Senator Holloway was appointed a special committee of one to amend bill as follows:

Amend Section 1, in line 9 of printed bill, by striking out after the word "nominate," the words "members of," and insert in lieu thereof "representatives in," and after the word "Congress," insert the word "members."

Amend Section 5 of printed bill by striking out the word "thirty," in line 5, and insert in lieu thereof "fifteen."

Amend Section 7 of printed bill as amended by adding the following words to the end of said section: "The person so appointed must thereupon go before any person authorized to administer oaths, and take the oath of office, and mail the same to the County Clerk or Secretary of the Board of Election Commissioners."

Amend by striking out of Section 8, line 16, the words "the person," lines 17, 18, 19, down to and including the word "commissioners," on line 20.

Amend Section 13 of printed amended bill by striking out the whole of said section and in lieu thereof insert the following: "No person shall be allowed to hold more than one proxy at any convention authorized by law to certify nominations for office on an official ballot for election in this State."

Amend said bill by striking out all of Section 18.

Amend said printed bill by striking out all of Section 19.

Amend said printed bill by striking out all of Section 20.

Amend said printed bill by striking out all of Section 21.

Amend said printed bill by striking out all of Section 22, and in lieu thereof add a new section to said bill, to be numbered and known as "Section 17," and reading as follows: "Any person voting at any primary election, on behalf of any party or for delegates to any convention of a political party or organization, thereby by such act declares, as a test of the right to so vote, a bona fide present intention of supporting the nominees of such political party or organization at the next ensuing election, and any voter may be challenged, and his right to so vote may be withheld, unless he will make oath as to the bona fide present intention to support the nominees of the convention to which delegates are so elected for such political party or organization."

"No elector who votes at any primary election for the election of delegates to any convention shall sign any petition in favor of or recommending for nomination any person as an independent candidate for any office for which candidates were to be or shall have been nominated at such convention. The clerk or officer with whom any petition of any independent candidate is filed is authorized and directed to strike out or disregard the name or names of any electors who, upon examination of the voting registers, may be found to have signed such petition in violation of the provisions herein. Any elector or person violating the provisions of this section shall be and hereby is declared guilty of a misdemeanor."

Amend Section 23, of printed amended bill, by striking out the figures "23," on line 1 of said section, and insert in lieu thereof the figures "18."

Amend Section 24, of printed amended bill, by striking out the figures "24," on line 1 of said section, and insert in lieu thereof the figures "19."

Amend Section 25, of printed amended bill, by striking out the figures "25," on line 1 of said section, and insert in lieu thereof the figures "20."

Amend Section 26, of printed amended bill, by striking out the figures "26," on line 1 of said section, and insert in lieu thereof the figures "21."

Amend Section 27, of printed amended bill, by striking out the figures "27," on line 1 of said section, and insert in lieu thereof the figures "22."

Amend Section 27½, of printed amended bill, by striking out the figures "27½," on line 1 of said section, and insert in lieu thereof the figures "23"; also, add after the word "boards" on line 13 the following: "Any native-born citizen who, since the last general election, has become of legal age, or any person who has become naturalized since the last general election, shall be entitled to vote at any primary election, providing he has made application to have his name placed upon the precinct register of the county in which he resides, and of which he has been a legal resident for thirty days prior to any primary election."

Amend Section 28, of printed amended bill, by striking out the figures "28," on line 1 of said section, and insert in lieu thereof the figures "24."

Amend Section 29, of printed amended bill, by striking out the figures "29," on line 1 of said section, and insert in lieu thereof the figures "25."

Amend Section 30, of printed amended bill, by striking out the figures "30," on line 1 of said section, and insert in lieu thereof the figures "26."

Amend Section 31, of printed amended bill, by striking out the figures "31," on line 1 of said section, and insert in lieu thereof the figures "27."

Amend Section 32, of printed amended bill, by striking out the figures "32," on line 1 of said section, and insert in lieu thereof the figures "28."

Amend Section 33, of printed amended bill, by striking out the figures "33," on line 1 of said section, and insert in lieu thereof the figures "29."

Amend Section 34, of printed amended bill, by striking out the figures "34," on line 1 of said section, and insert in lieu thereof the figures "30."

Amend Section 35, of printed amended bill, by striking out the figures "35," on line 1 of said section, and insert in lieu thereof the figures "31."

Amend Section 36, of printed amended bill, by striking out the figures "36," on line 1 of said section, and insert in lieu thereof the figures "32."

Amend Section 37, of printed amended bill, by striking out the figures "37," on line 1 of said section, and insert in lieu thereof the figures "33."

Amend Section 38, of printed amended bill, by striking out the figures "38," on line 1 of said section, and insert in lieu thereof the figures "34."

Amend Section 39, of printed amended bill, by striking out the figures "39," on line 1 of said section, and insert in lieu thereof the figures "35."

Amend Section 40, of printed amended bill, by striking out the figures "40," on line 1 of said section, and insert in lieu thereof the figures "36."

Amend Section 41, of printed amended bill, by striking out the figures "41," on line 1 of said section, and insert in lieu thereof the figures "37."

Amend Section 42, of printed amended bill, by striking out the figures "42," on line 1 of said section, and insert in lieu thereof the figures "38."

Amend Section 43, of printed amended bill, by striking out the figures "43," on line 1 of said section, and insert in lieu thereof the figures "39."

Amend Section 44, of printed amended bill, by striking out the figures "44," on line 1 of said section, and insert in lieu thereof the figures "40."

Amend Section 45, of printed amended bill, by striking out the figures "45," on line 1 of said section, and insert in lieu thereof the figures "41."

Amend Section 46, of printed amended bill, by striking out the figures "46," on line 1 of said section, and insert in lieu thereof the figures "42."

Amend Section 47, of printed amended bill, by striking out the figures "47," on line 1 of said section, and insert in lieu thereof the figures "43."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 140, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLLOWAY, Committee.

Report of special committee of one and amendments adopted.

On motion of Senator Withington, Senator Holloway was appointed a special committee of one to amend bill as follows:

Strike out of Section 2, lines 17 to 20, printed bill, the words from "the day for," in line 17, to word "Act," inclusive, in line 20.

REPORT OF SPECIAL COMMITTEE OF ONE,

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 140, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLLOWAY, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

On motion of Senator Bert, Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—was re-referred to the Committee on Banks and Banking, but to retain its place on file.

Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Bill passed on file, but to retain its place.

Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Bill passed on file, but to retain its place.

Senate Bill No. 57—An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock, and the disposition of the revenues derived therefrom.

Bill read third time.

On motion of Senator Bert, Senator Denison was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 4, page 2, line 6, the word "twenty-five" and insert in lieu thereof the word "forty."

Also: Strike out of Section 4, line 12, the word "thirty," and insert in lieu thereof the word "forty."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 57, with instructions to amend, respectfully reports the same back, amended as per instructions.

DENISON, Committee.

Report of special committee of one and amendments refused adoption.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 57, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 57 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—31.

NOES—Senators Braunhart, Denison, Dickinson, and Wolfe—4.

Title read and approved.

Senate Bill No. 94—An Act to amend Section 3491 of the Political Code, relating to the election of trustees of reclamation districts.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 94, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 94 refused passage by the following vote:

AYES—Senators Chapman, Dwyer, Langford, Linder, Seawell, Smith, Toner, and Withington—8.

NOES—Senators Androus, Aram, Bert, Boyce, Bulla, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Simpson, Stratton, Trout, Voorheis, and Wolfe—26.

SENATE JOINT RESOLUTION.

By unanimous consent, the following was offered:
By Senator Boyce:

SENATE JOINT RESOLUTION No. 15.

Relative to sending food to the famine-stricken people of India.

WHEREAS, Senator George C. Perkins is about to introduce a bill in Congress to appropriate funds to send a vessel to carry food to the starving inhabitants of India, and Secretary Herbert of the Navy is cooperating to that end; now, be it

Resolved by the Senate, the Assembly concurring. That our Representatives in Congress

are requested and our Senators instructed to urge the passage of said bill, as a matter of urgency, to demonstrate to all nations the sympathy and humanity of the American people; and be it further

Resolved, That the Governor be and he is hereby requested to immediately transmit by telegram to Senator George C. Perkins, at Washington, D. C., a copy of these resolutions.

Senator Boyce moved the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Brauhart, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, and Wolfe—29.

NOES—None.

COMMUNICATIONS.

The following communications were, on motion of Senator Voorheis, ordered printed in the Journal:

THE COUNCIL OF ASSOCIATED INDUSTRIES OF CALIFORNIA, }
SAN FRANCISCO, February 5, 1897. }

J. J. CRAWFORD, Esq., *State Mineralogist*:

DEAR SIR: At the last meeting of the Council of Associated Industries of California, the following resolutions were adopted and copies ordered sent to the Secretary of the Senate and the Speaker of the Assembly:

Resolved, That we look upon the State Mining Bureau as one of the important factors in the advancement of the mining industry of California, and urge upon our Legislature the necessity of providing for its continued proper maintenance and support. The reports and bulletins are not only directly useful to the miners of the State, but also serve a good purpose in attracting the attention of people of other States and countries to the advantages to be gained in following the business of mining in California; and also

Resolved, That it is urged upon the Legislature to furnish a suitable appropriation to continue the State Mining Bureau upon its present separate basis, and, instead of merging it into a consolidation of State bureaus with entirely different objects, as has been proposed, to keep it intact in its present condition, as it is the only bureau devoted to the mining industry of California—an industry contributing \$25,000,000 annually in all its branches.

Yours very truly,

COUNCIL OF ASSOCIATED INDUSTRIES OF CALIFORNIA.
By C. L. BLETHEN, Acting Secretary.

Also:

THE LOS ANGELES CHAMBER OF COMMERCE, }
LOS ANGELES, CAL., February 4, 1897. }

Resolutions passed at the meeting of the board of directors, held Wednesday, February 3, 1897:

Resolved, That in view of all that has been accomplished by the State Mining Bureau in the past, the benefits which have followed the examinations and published reports on our oil territory by Deputy W. L. Watts and the great good the bureau is capable of in the future, as the only institution maintained in the interest of the miners of California, this chamber is in full accord with all of its work, and considers the proposed transfer to the State University at Berkeley to be prejudicial to the best interests of the mining industry in this State, and requests continued support on the present basis.

Resolved, That copies of this resolution be sent at once to our State representatives at Sacramento, with a request for immediate action.

I hereby certify that the above is a true and correct copy of the resolutions passed on the above date.

C. D. WILLARD, Secretary.

Also:

THE LOS ANGELES MINING AND STOCK EXCHANGE, }
LOS ANGELES, CAL., February 4, 1897. }

WHEREAS, The maintenance of the California State Mining Bureau is of the utmost importance to the mining interests of California; therefore, be it

Resolved, That the Los Angeles Mining and Stock Exchange fully indorses and is in hearty sympathy with the work which has been done and is now being done by the said Mining Bureau; that the Mining Exchange is opposed to the transference of the said Mining Bureau to the State University at Berkeley, or its consolidation with any other

institution; that the Legislature be requested to make a suitable appropriation for the support of the said bureau and the continuance of its work.

That copies of this resolution be forwarded at once to Mr. J. J. Crawford, the State Mineralogist, to the Executive at Sacramento, and to the representatives of Los Angeles city and county in the State Legislature.

GEO. W. PARSONS, President.
J. H. BRYANT, Secretary.

Also:

MERCHANTS AND MANUFACTURERS' ASSOCIATION,
Los Angeles, CAL., February 9, 1897. }

J. J. CRAWFORD, *State Mineralogist, San Francisco, Cal.:*

The following resolutions were adopted at the meeting of the board of directors of the Merchants and Manufacturers' Association of Los Angeles, held February 8, 1897:

WHEREAS, The California State Mining Bureau, as at present constituted, has been and is of great service to the mining interests of California; therefore

Resolved, That the Merchants and Manufacturers' Association of Los Angeles commends the State Mining Bureau and its work to the favorable consideration of the Legislature of California, and to that end requests the Legislature of California to afford the State Mining Bureau adequate support; and be it further

Resolved, That this association is opposed to having the State Mining Bureau placed under the control of or combined with any other institution.

WM. H. KNIGHT, Secretary.

RESOLUTION.

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That commencing with Monday, February 15, 1897, the Senate hold evening sessions, commencing at eight o'clock on each evening, except on Saturdays and Sundays.

Senator Simpson moved to amend by striking out the words and figures "Monday, February 15," and inserting in lieu thereof the words and figures "Tuesday, February 23."

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened:

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Boyce, Brauhnart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gleaves, Holloway, Jones, Linder, Luchsinger, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington.

Quorum present.

LEAVE OF ABSENCE.

Senator Hall was granted a leave of absence for the day, on motion of Senator Henderson.

RECONSIDERATION.

Senator Seawell moved that the Senate reconsider the vote whereby Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions—was on yesterday refused final passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—26.

NOES—None.

On motion of Senator Seawell, Assembly Bill No. 12 was re-referred to the Committee on Judiciary and ordered on file.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 451—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

The Committee on Rules and Revision having reported favorably on a previous day, and the bill having been read a third time, the question was on the final passage of the bill.

The roll was called, and Assembly Bill No. 451 finally passed by the following vote:

AYES—Senators Androus, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Withington—27.

NOES—None.

Title read and approved.

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

The Committee on Rules and Revision having reported favorably on a previous day, and the bill having been read a third time, the question was on the final passage of the bill.

The roll was called, and Assembly Bill No. 11 finally passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Withington—29.

NOES—Senator Smith—1.

Title read and approved.

Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 13, 1874; April 23, 1880.

Bill passed on file, but to retain its place.

Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Assembly Bill No. 452—An Act to repeal Sections 626a, 626b, 626c, 626d, 626e, 626f, 626g, 626h, 626i, 627a, 627b, 627c, and 627d, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

Bill passed on file, but to retain its place.

Assembly Bill No. 7—An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits.

Bill passed on file, but to retain its place.

Assembly Bill No. 415—An Act to amend Section 383 of the Code of Civil Procedure.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 415, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Assembly Bill No. 415 finally passed by the following vote:

AYES—Senators Androus, Aram, Bulla, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Trout, and Withington—24.

NOES—None.

Title read and approved.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Assembly Bill No. 283—An Act to change and permanently locate the boundary line between the counties of Butte and Yuba.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 283, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Assembly Bill No. 283 finally passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—26.

NOES—None.

Title read and approved.

Assembly Bill No. 182—An Act to authorize any city or city and county of this State to take its census.

Bill passed on file, but to retain its place.

Assembly Bill No. 738—An Act to amend Sections 237, 245, 246, and 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employes of the Legislature.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend by inserting in Section 1, line 14, after the word "completed," the words "such officers shall serve only until said permanent organization is completed."

Amendment adopted.

Also: Amend by striking out of Section 2, lines 19 and 20, the words "four porters (one of whom shall have charge of the cloakroom), two watchmen."

Amendment adopted.

Also: Amend by inserting in Section 3, line 7, after the word "Sergeant-at-Arms," the words "one Assistant Sergeant-at-Arms."

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 3, lines 18 and 19, the words "four porters (one of whom shall have charge of the cloakroom), two watchmen."

Amendment adopted.

By the committee:

Amend by striking out of Section 4, line 16, the words "porters, watchmen."

Amendment adopted.

Also: Amend by striking out of Section 4, line 32, the words "porters, watchmen."

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

MOTION—(OUT OF ORDER).

Recess having been declared on this day during the consideration of the following resolution, offered by Senator Dickinson, and the amendment thereto offered by Senator Simpson:

Resolved, That commencing with Monday, February 15, 1897, the Senate hold evening sessions, commencing at eight o'clock on each and every evening, except Saturdays and Sundays.

Amend by striking out the words and figures "Monday, February 15," and inserting in lieu thereof the words and figures "Tuesday, February 23."

There being no objections, Senator Simpson withdrew the amendment offered by him at the morning session.

Senator Dickinson moved the adoption of the resolution.

Resolution adopted.

RESOLUTION—(OUT OF ORDER).

Senator Jones offered the following resolution, and moved its adoption:

WHEREAS, A petition has been circulated, and signed by a large number of members of this Senate, purporting to be in the interest of the Christian Endeavor Society to secure low rates of railway fare, but which proves to be an indorsement of the so-called Sherman Anti-Ticket Brokerage Bill now pending in Congress; therefore, be it

Resolved, That such signatures were obtained under a misunderstanding, or misrepresentation, and that it is the sense of this Senate that the rights of American citizens, guaranteed under the Constitution, would be seriously infringed upon by the passage of any Act in the Congress of the United States making it a crime punishable by heavy fine and imprisonment for any person other than an authorized agent of a railway or transportation company to sell or transfer a railroad ticket.

Resolution adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 137—An Act to amend the Political Code of California by adding a new section, to be known as Section 2644, relating to road commissioners.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 137, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 137 passed by the following vote:

AYES—Senators Aram, Braunnhart, Bulla, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

WITHDRAWAL OF BILL.

Senator Denison asked unanimous consent to withdraw Senate Bill No. 444—An Act to amend an Act entitled "An Act providing for the erection and operation of rock-crushing plants at the State Prisons, for the preparation of highway material for the benefit of the people of the State, and for other purposes," approved March 28, 1895.

Consent granted.

Senate Bill No. 444 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 443—An Act to amend Section 758 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 443, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill read third time.

The roll was called, and Senate Bill No. 443 refused passage by the following vote:

AYES—Senators Aram, Braunnhart, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, La Rue, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Stratton, Toner, and Wolfe—20.

NOES—Senators Bulla, Holloway, Jones, Langford, Linder, Pedlar, Simpson, Smith, and Withington—9.

NOTICE OF RECONSIDERATION.

Senator Withington gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 443 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Substitute for Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 65, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senator Withington moved that Senator Smith be appointed a special committee of one to amend bill as follows:

By striking out Section 3 and renumbering sections.

Motion lost.

Senator Withington moved that Senator Smith be appointed a special committee of one to amend bill as follows:

Strike out of Section 1, line 2, the word "county," and insert after the word "county," in same line, the words "of the first class."

Motion lost.

On motion of Senator Seawell, Senator Dwyer was appointed a special committee of one to amend bill as follows:

By striking out of Section 1, line 4, the word "one," and inserting in lieu thereof the word "three."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred substitute for Senate Bill No. 65, with instructions to amend, respectfully reports the same back, amended as per instructions.

DWYER, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Withington, Senator Smith was appointed a special committee of one to amend bill as follows:

By striking out Sections 3 and 4.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 65, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 75—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 75, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Committee Substitute for Senate Bill No. 75 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Feeney, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—26.

NOES—Senators Dickinson, Doty, La Rue, Pedlar, Smith, and Withington—6.

Title read and approved.

LEAVES OF ABSENCE.

Senator Dwyer was granted a leave of absence until Monday next.

Senator Holloway was granted a leave of absence until Monday next.

Senator Bert was granted a leave of absence until Monday next.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Pedlar: Senate Bill No. 689—An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

By Senator Aram: Senate Bill No. 690—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of unnavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors, concerning such districts and improvements.

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Henderson: Senate Bill No. 691—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor,' approved February 26, 1885," approved March 15, 1887.

Referred to the Committee on Education and Public Morals.

By Senator Jones: Senate Bill No. 692—An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates.

Referred to the Committee on Public Buildings other than Prison Buildings.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 254—An Act entitled an Act to prevent the manufacture in

penal institutions of other goods than jute bags and broken stone for roads and highways, and of materials consumed in the State penal institutions—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 253—An Act adding a new section to the Penal Code, to be known as Section 367 thereof, relating to dealing in convict-made goods—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 579—An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of the State prisons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bills Nos. 254, 253, and 579 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred in the contested election case of John Tyrrell vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestee, Sidney Hall:

Attorney's fee, Garrett W. McEnery..... \$200 00

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred by the contestant, D. J. McCarthy, in the contested election case of D. J. McCarthy vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, D. J. McCarthy:

Fees of County Clerk and Sheriff.....	\$7 50
Witness fees, 48 witnesses.....	50 00
Subpoenaing 61 witnesses.....	20 00
Stenographer's fees, Ernest J. Mott, 2 days.....	20 00
Transcript of testimony.....	75 00
Justice's fees.....	10 00
Attorney's fee, Henry Dibble, Jr.....	100 00
Total.....	\$282 50

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses of the contestant, M. J. Welch, Jr., incurred in the contested election case of M. J. Welch, Jr., vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, M. J. Welch, Jr.:

Fees of County Clerk, Sheriff, and witnesses.....	\$100 50
Fees of Justices G. W. F. Cook and J. E. Barry.....	35 00
Fees of J. A. Vaughan, stenographer, 9 days.....	90 00
Transcript of testimony, 1,500 folios.....	300 00
Attorney's fee, Martin Stevens.....	100 00
Total.....	\$625 50

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred by Sidney Hall, in the contested election case of M. J. Welch, Jr., vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under considera-

tion, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestee, Sidney Hall:

Witness fees	\$20 00
Watcher of ballots during recount	20 00
Attorney's fee, Garrett W. McEnerny	200 00
Total	\$240 00

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred in the contested election case of Thomas W. Chandler vs. John Feeney, for the seat in the Senate from the Twenty-fifth Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, Thomas W. Chandler:

Court costs and expenses	\$11 00
Witness fees	56 40
Serving subpoenas and mileage	50 00
Attorney's fee, Frank Powers	100 00
Total	\$257 40

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred in the contested election case of Thomas W. Chandler vs. John Feeney, for the seat in the Senate from the Twenty-fifth Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestee, John Feeney:

Ernest J. Mott, stenographer, 4 days	\$40 00
Transcript of testimony, 288 folios	50 00
Fees of Justices G. W. F. Cook and J. E. Barry	20 00
Attorney's fees, Garrett W. McEnerny	200 00
Total	\$310 00

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred by the contestant, John Tyrrell, in the contested election case of John Tyrrell vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, John Tyrrell:

Witness fees, 18 witnesses	\$36 00
Subpoenaing witnesses	8 00
Stenographer's fees, S. L. Conlan, nine days' attendance and transcript of testimony, 1,599 folios	350 00
Costs, filing contest, Sheriff's and Notary's fees	8 30
Fees of Justices G. W. F. Cook and J. E. Barry	30 00
Attorney's fee of Messrs. Ruef & Dinkelspiel	100 00
Total	\$532 30

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections report that the expenses of the recount of the ballots in the contested election cases of M. J. Welch, Jr., vs. Sidney Hall, John Tyrrell vs. Sidney Hall, and D. J. McCarthy vs. Sidney Hall, from the Twenty-third Senatorial District, are as follows:

J. C. Bunner, W. L. Arlett, and Charles Fawcett, clerks, \$25 each	\$75 00
Robert Mitchell, caller	25 00
Felix Dolan, stringer	25 00
Miss Ida Woodworth, stenographer, 4 days	40 00
Transcript of testimony, 141 folios, at 20 cents	21 15
Four copies of testimony, at 5 cents per folio	28 20

Alexander McCabe, J. C. Jones, Abraham Friedlander, and James Kidney, clerks representing contestants and contestee, \$10 each.....	\$40 00
Service of citation on Registrar of Voters and Deputy Registrar of Voters, and mileage.....	36 60
W. M. Hinton, expressage on ballots from San Francisco, and return.....	20 10
James C. Reynolds, Deputy Registrar, guarding ballots, and mileage.....	28 00
Guy Hinton, Deputy Registrar, guarding ballots, and mileage.....	39 25
L. J. Welch, Deputy Registrar, guarding ballots, and mileage.....	49 50
	<hr/>
	\$427 80

And we recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following-named persons, and in the amounts set opposite their names, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same:

F. S. Stratton, as Chairman Election Committee.....	\$427 80
A. Ruef.....	532 30
Garrett W. McEnerny.....	220 00
Ernest J. Mott.....	90 00
Frank Powers.....	257 40
Sidney Hall.....	240 00
Martin Stevens.....	625 50
Henry Dibble, Jr.....	282 50
Garrett W. McEnerny.....	200 00

STRATTON, Chairman.

Reports and resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

On motion of Senator Prisk, the committee substitute for Senate Bill No. 109 was recalled from print, and re-referred to the Committee on Finance.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Dickinson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 13, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Boyce, Braunhart, Bulla, Denison, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain of the Assembly, Rev. Charles F. Ochler.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 11, 1897, was approved.

LEAVE OF ABSENCE.

Senator Chapman was granted a leave of absence for the day.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Withington moved a reconsideration of the vote whereby Senate Bill No. 443—An Act to amend Section 758 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—was on yesterday refused passage by the Senate:

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Shine, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—26.
NOES—Senators Morehouse, Pedlar, and Smith—3.

The question recurring on the passage of the bill. The roll was called, and Senate Bill No. 443 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—30.
NOES—Senators Bulla, Pedlar, and Smith—3.

Title read and approved.

On motion of Senator Simpson, the following constitutional amendments were recalled from the Committee on Constitutional Amendments and re-referred to the Committee on Judiciary:

Senate Constitutional Amendment No. 21—A resolution proposing to the people of California an amendment to the Constitution of the State, by amending Section 1, Article VI thereof, relating to the judiciary, by providing for the establishing of intermediate courts.

Senate Constitutional Amendment No. 26—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judicial department.

Senate Constitutional Amendment No. 31—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judicial department.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 214—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Senate Bill No. 214 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 624—An Act to amend Section 3571 of the Political Code, relating to the repayment of purchase price of land sold which is not the property of the State, and providing for a certificate of restitution to issue when the certificate of purchase to such land has been annulled for non-payment of interest—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 92—An Act to provide increased facilities for the detection and punishment of crime.

Also: Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 148—An Act to amend Sections 739 and 769 of the Political Code, relating to the appointment of phonographic reporters by the Supreme Court—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

SIMPSON, Chairman.

Senate Bills Nos. 624, 92, and 148 and Assembly Bill No. 172 ordered on file for second reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your Sub-Committee on Public Buildings other than Prison Buildings that was appointed to visit the State Asylum for the Insane at Ukiah, the Home for the Feeble-Minded at Glen Ellen, the Veterans' Home at Yountville, and the Insane Asylum at Napa, beg leave to report that they have performed their duty.

At Ukiah they found a very carefully managed institution, which was cleanly and most creditably conducted. The patients seemed to be well cared for and receive proper attention and care.

The number in the institution at the time of the last biennial report was 355. The number on June 30, 1895, was 296, so that the number has increased during the last fiscal year 59. Figuring on this basis, we do not see the need for any large increase in the capacity of the asylum at present.

The main building is in an unfinished condition and unsightly, and some measures should be taken to complete it. For this purpose an appropriation of \$110,000 is asked for the administration building. We believe, however, it would be a wiser and more economical plan to have the inmates engage in making bricks, as is done in other institutions of the State at a small cost, and then to erect a tower or other structure in front to preserve the symmetry of the present building, but not to cost more than \$20,000. As more room is needed, cottages can be built on the grounds, which are ample for such purposes, and the institution, arranged on the most modern and scientific principle of treating the diseased, will then have been constructed at a comparatively small cost. As the number of patients demand, more cottages can be built, in this way affording ample accommodation for patients at a comparatively small cost.

Cottages to contain fifty patients with their necessary attendants should not cost, if the brick are made on the grounds by the inmates, to exceed \$7,000.

An ice plant and cooling-room is needed, and we recommend an appropriation of \$3,000, which is asked for, for that purpose. An increased supply of water is one of the urgent needs of the institution, to protect it from fire especially. An electric-light plant is also needed, and an appropriation of \$15,000 is asked for that purpose and lighting, and we recommend that this appropriation be allowed.

We note with special pleasure that the recommendations of the committee of two years ago with regard to sewerage, draining of the marsh, and so forth, have been carried out, and the sanitary condition of the institution greatly improved thereby. One cottage, on the plan recommended above, would furnish ample accommodation for all the patients that the institution will receive before the next meeting of the Legislature. There is considerable room in the basements of the institution, which should be utilized for dining-rooms and other purposes, as is done in some of the other institutions of the State. We note with pleasure that the per capita cost of the institution has been decreased, and that there is an economical purpose evinced on the part of the management of the institution to cut down expenses in every direction, so far as is consistent with the proper management of the asylum.

The amount asked for maintenance for the next two years is based on five hundred patients, an increase of one hundred and forty-five over the number now in the institution. This is a larger number than have been received in the same period in the past, but is probably not excessive, and we therefore recommend the appropriation of \$160,052 50 for maintenance for the two years ending June 30, 1899.

In connection with this asylum, we beg to call attention to the suggestive fact that, of the one hundred and eighty-two patients admitted between July 1, 1894, and July 1,

1895, seventy were natives of the United States, and one hundred and two foreign born, the nativity of ten being unknown, and of the natives only twenty-one were Californians. In other words, California furnished less than twelve per cent of the inmates of this institution, and the United States a little over thirty-eight per cent of the inmates. Certainly these facts and figures are worthy of careful consideration by the members of the Legislature, especially as, for the year ending June 30, 1896, out of one hundred and ninety-two patients admitted, ninety-five were foreigners and eighty-seven Americans, showing that the foreign population still furnished more than one half of the inmates of the asylum.

From Ukiah your committee proceeded to the Home for the Care and Training of Feeble-Minded Children at Glen Ellen, and we found this institution in a good deal better condition than it was two years ago, the improvements being particularly noticeable in the lower grade ward. We found the worst patients still confined in the top floor of the main building, and we urgently recommend that four cottages be immediately erected, at a cost not to exceed the sum of \$2,000 each, for the care of this class of patients. These cottages should be one story and surrounded by a large yard, with a fence that will prevent the inmates from escaping. This would enable the children to spend much of the time during fair weather in the open air, which would be a great improvement, for if they are left where they are now, it may any day result in a terrible calamity should a fire break out in the institution, as they are all utterly helpless, and would have to be carried down stairs and out of the building singly by the attendants. No time should be lost by the State in placing these children out of the danger of such a disaster. Consumption is the principal disease which affects this class of inmates, and as it is now admitted and recognized as a contagious disease by the best physicians and medical authorities, we suggest the erection, as requested by the Board of Trustees, of two cottages for consumptives, one for boys and the other for girls, at a cost not to exceed \$2,500 each.

A new power-house with electric-light plant, equipment for a large laundry, etc., can be erected at a cost of about \$20,000; \$10,000 is needed for the electric-light plant itself and changes in the heating apparatus. These improvements are urgently needed, as gas made of gasoline is at present used in the asylum, which is extremely dangerous; we therefore recommend an appropriation of \$30,000 for this purpose.

An appropriation of \$1,500 for fencing we think would be sufficient, although \$2,500 is asked for that purpose; \$1,000 is also asked for the equipment of the farm, which appropriation we recommend.

By an appropriation of \$15,000 for a reservoir, water-power can be secured, saving an annual expenditure of \$3,600 for fuel. As this appropriation will add greatly to the fire protection as well as affording ample motive power for the machinery, we would recommend the appropriation of \$12,000 for this purpose.

No institution in the State has made greater improvements in the past year than the Veterans' Home at Yountville. Several new buildings have been erected and the accommodations for the inmates increased nearly two hundred. Light and airy dormitories have been erected, and the sanitary condition of the institution immensely improved. Two years ago in this latter respect this institution was the worst in the State; to-day it compares favorably with the best. Over seven hundred veterans can be accommodated there at present, and at a trifling cost the capacity could be increased to eight hundred. The site is a beautiful one, and the old soldiers seem to thoroughly enjoy their home. Female nurses have been substituted for male; the change has proved both beneficial and satisfactory.

From the Veterans' Home we proceeded to the State Asylum for the Insane at Napa. This institution, which is one of the best managed in the State, and is a model in many respects, we found in the usual good condition.

A number of improvements had been made during the past year at a remarkably low cost. Over 900,000 brick were manufactured, at a cost of \$2.01 per thousand. A carpenter shop, which would probably have cost \$4,000 to \$5,000 to build, was erected at a cost of \$392; a dryhouse, at a cost of \$1,162, about one third of what its cost would have been under the contract system. Other buildings at the same relatively low cost have been erected during the past year, to the credit of the management, which has set an example in this respect to the other institutions of the State.

The asylum asks an appropriation of \$155,000 for the erection of a dam, by means of which a lake covering an area of about twenty-five acres could be created. This would form a storage reservoir for some three hundred million gallons of water, which even during the driest season would furnish the institution with an ample supply of water and even a water power. It appears that at present during the dry season, the closets on the upper floor cannot be flushed for several hours daily. This is an evil which should be remedied, and although the appropriation asked for is large, still if the finances of the State will admit, we believe that it would be wise to make it, as an ample supply of water is an absolute necessity in an institution of this character. In connection with the Napa asylum, we beg leave to call attention to the fact that the institution asked of the last Legislature \$400,000 to maintain 1,300 patients for two years, while, as a matter of fact, it has maintained 1,443 patients and returned \$32,000 out of the appropriation back to the State. At the rate asked for the maintenance of 1,300 patients, this represents a saving to the State out of this appropriation of over \$50,000, which shows that the institution has been very carefully and economically administered.

The saving to the State in the buildings, which have been erected at over one third to one fourth of the usual cost for such structures, has nearly equaled in the last two

years the amount asked for the dam, and we are assured by the trustees and resident physician that with this reservoir and the opportunities for irrigation, which it would afford, the per capita will be reduced several cents, as it would allow the raising of an increased number of vegetables, which would enable the institution to use less meat, a benefit from a medical as well as a financial point of view. It would also permit the reduction of fuel, which amounts to about \$5,000 a year, and a saving from various other sources would be probably \$10,000 per annum, which would make a considerable reduction in the per capita of the asylum.

As at Ukiah, the number of foreigners in the Napa asylum is out of proportion to their ratio to the population of the State. For the year ending June 30, 1895, there were received at Napa asylum one hundred and twenty-one foreigners and one hundred and eight natives of this country. For the year ending June 30, 1896, the number was exactly equal, one hundred and twenty Americans and one hundred and twenty foreigners, thus showing that the foreign population of our State contributes a very large number of the inmates of our asylums.

In closing this report, it is gratifying to the committee to be able to state that the public institutions herein referred to show marked improvement during the past two years, both in their better condition and their reduced expenses, and we are free to state that we believe that never before have the same number of persons been cared for as well for the same amount of money.

The cost of the visit of the committee has been less than \$200. If their recommendations are carried out, there will be a saving to the State of over \$100,000, without, we believe, in any way impairing the efficiency of any of the public institutions.

Our expenses, comparing this year's visit with that of two years ago, show that the legislative visits have the effect of stimulating the various managements to economy and improvement, and we believe that if the public will carefully investigate what is accomplished by these trips, they will recognize that they are both economical and beneficial to the State.

DENISON, Chairman of Sub-Committee.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS, FINANCE, AND COMMERCE, ETC.

SENATE CHAMBER, SACRAMENTO, February 3, 1897.

MR. PRESIDENT: Your joint Sub-Committee on Public Buildings other than Prison Buildings, Finance, Hospitals, and Commerce, Harbors, Rivers, and Coast Defenses, appointed to visit the Insane Asylum at Stockton, the State School at Whittier, the proposed sites for the Normal School in and adjacent to San Diego, the harbor improvements at San Diego, the Southern California Insane Asylum at Highland, and the State Normal School at Los Angeles, beg leave to report that they have performed their duty, and report as follows:

At Stockton, the committee visited the insane asylum and carefully inspected the buildings and grounds. They found everything cleanly and in good condition, and the patients well cared for. They noticed, however, that the asylum had two distinct power-houses with their accompanying plants. This seems to us to be an unnecessary expense, as the same results could undoubtedly be accomplished by using one power-house, making the necessary connections from it with the machinery, etc., that are now connected with both plants.

An appropriation is also asked to sink a well for gas. The sum asked, in our opinion, should be granted, inasmuch as it would cause considerable saving in the way of fuel.

The appropriation asked for the erection and furnishing of a residence for the medical superintendent we see no pressing need for, and recommend that this appropriation be not granted.

At Whittier an unfortunate discordance prevails among the members of the Board of Trustees. We recommend that the Superintendent of this institution be given power to employ and discharge employés, by consent of the Board of Trustees, as in other public institutions.

The institution needs an enlarged trade plant, so that all the boys may be put to work and kept industriously learning some useful trade.

In view of the fact that the girls will probably be removed to the buildings formerly occupied by the Home for the Feeble-Minded at Santa Clara, other buildings and additional accommodations for more pupils seem unnecessary at Whittier. We recommend that one of the buildings now used by the girls be set apart and used as a hospital. For the equipment of a trade building, \$15,000 is asked, as the machinery at the school now is much of it antiquated and of but little use in teaching trades on modern plans, and such as there is not sufficient. We believe that an appropriation should be given sufficient to meet necessary improvements.

Twenty-five hundred dollars is asked for the replacing of furniture, etc.

Two thousand dollars is also asked for the library, which consists at present entirely of books donated by friends of the institution; many of them are entirely unfitted for the children, and this important branch of education is badly crippled by the need of more and better literature. The appropriation asked for, wisely expended, would undoubtedly be of immense benefit to all of the pupils.

Six hundred dollars is asked for new instruments for the band. Five thousand dollars is asked for an additional water supply, which seems to be badly needed for irrigation and other purposes.

An additional appropriation, for additional lands, of \$24,000 is asked. While additional land is needed, your committee does not advise the purchase of additional land at this time and at the prices now asked.

We would recommend that the buildings now used for girls be devoted in future to the care of the younger and less criminal classes of the inmates, so that they can be kept entirely separate from the older and worse elements in the school.

The introduction of sloyd work for the younger children would be highly beneficial, and some means should be devised to keep even the youngest children actively engaged for a few hours daily. The present sewing-room, laundry, and trade building used by the girls will afford ample accommodation for the employing of these children.

From Whittier the committee visited San Diego, where they were shown sites for a normal school: One at Pacific Beach, near the city, which had some buildings that were offered with the site to the State free of cost; another site, known as University Heights, was also shown; there is a foundation there for a building far in excess of the possible needs of the normal school. We therefore would consider this site as entirely out of the question. Of the two places visited, therefore, the Pacific Beach location is a better one, but we are of the opinion that there is no need for another normal school at present, in view of the general desire to keep the expenses of the State as low as possible.

The proposed wharf on the State tide lands is an improvement that would undoubtedly be extremely beneficial and profitable, as there is a prospect in the near future of a large increase in the foreign commerce of this port.

At the insane asylum at Highlands, the committee found the institution well managed, cleanly, and in these respects in every way satisfactory and creditable to the trustees and superintendent.

There are eight bills asking for appropriations for this institution before the committee. One is for the general maintenance of the asylum, and as the per capita has been largely reduced during the last year, and the management shows their desire and tendency to reduce expenses to a minimum, there seems no good reason why the appropriation asked for should not be granted.

There is also a deficiency appropriation bill for the forty-eighth fiscal year, covering the deficiency allowed by the Board of Examiners, amounting to \$20,000. This is due to the large and rapid increase in the number of inmates, as the asylum has a larger area and population to draw from than any of the other asylums of the State, and its inmates are increasing more rapidly.

Unlike similar institutions of the State, this asylum receives more Americans than foreigners. During the last two years there were admitted three hundred and eight Americans, one hundred and sixty-seven foreigners, and thirty-seven patients whose nationality was unknown.

The treatment of the patients, and the care with which they are handled, seems to be all that could be desired, and a careful report of each inmate is made from the time of their entrance into the asylum until they leave.

The sum of \$100,000 is asked for the erection of a central building or administration building, in connection with the asylum. While the present condition of the institution is crowded, and while there is every prospect that the number of inmates will be largely increased during the next two years, we do not believe that this building is needed at present, as additional accommodations can be obtained by the erection of a community dining-room and dormitory building, at a cost of \$13,500, as asked for by Senate Bill No. 85, and the erection of one or more cottages, as has already been suggested with some of the other asylums of the State.

Thirty thousand dollars is asked for the purpose of erecting storm drains, but after having carefully investigated the matter, the committee believe that no immediate necessity exists for this appropriation. It was asked for two years ago, but not granted, and the conditions do not seem to have materially altered in that time.

An appropriation is asked for a dairy farm and appurtenances in the sum of \$5,000. We think that could be cut down to \$2,900 by utilizing the help of the inmates. In this connection we would suggest that the inmates be employed during the next two years at making brick. If this is done, by the next session of the Legislature from one to two million brick will be on hand, and any additional buildings then needed can then be constructed at a large saving to the State. We believe that in all State institutions it should be the duty of the management to employ, as far as possible, the labor of the inmates for their own support and the improvement of their special institutions. We are not in favor of having inmates compete with self-supporting labor, but we do believe, in the interest of the taxpayer, of the inmates themselves, and of the general welfare of the State and community, that it is advantageous to employ as much of the labor which the State is supporting for its own work as possible.

At Los Angeles, the committee visited the State Normal School, and found it to be in good condition. The State owns a very fine property there. The school seems to be well managed. An appropriation of \$5,000 is asked for several improvements which seem to be needed, and for which we consider the estimate extremely economical. We therefore recommend that it be allowed.

In closing this report, the committee beg leave to call attention to the fact that as a result of this trip and the careful examination of the needs of the several institutions, they have reduced the appropriations asked for nearly half a million dollars. Whereas the cost to the State has been less than \$900.

This, of course, only represents the saving in reduced appropriations, but the experience of two years ago has shown that the investigation and recommendations of visit-

ing committees, when carefully and conscientiously made, invariably result in the improvement of management and conduct of the various inspected institutions.

All of which is respectfully submitted.

DENISON, Chairman Joint Sub-Committee.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 385—An Act prohibiting the use of barbed wire fence along public highways—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SHIPPEE, Chairman.

Senate Bill No. 385 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 15—Relative to sending food to the famine-stricken people of India.

Also: Passed Assembly Bill No. 23—An Act entitled an Act to amend Section 1575 of the Code of Civil Procedure.

Also: Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Also: Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines, in this State, who may hereafter die, without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

Also: Assembly Bill No. 128—An Act to enable any county, city and county, city, or town to lease property to associations of ex-soldiers and sailors.

Also: Assembly Bill No. 89—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895, by amending Sections 6 and 69 thereof, relating, respectively, to the appointment of a time for the election of an assignee, and to costs in cases of involuntary insolvency.

Also: Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor.

Also: Senate Bill No. 36—An Act to extend the jurisdiction and authority of cities and towns over parks owned by them, situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

Also: Senate Bill No. 35—An Act entitled an Act to authorize cities and towns owning public parks outside their limits, to lay out, construct, and maintain roads, streets, and boulevards, from the boundaries of such cities and towns, to, into, and through such parks, and to acquire lands for that purpose.

Also: Senate Bill No. 37—An Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns, leading to public parks owned thereby.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 14, 23, and 89 read first time, and referred to the Committee on Judiciary.

Assembly Bills Nos. 8 and 128 read first time, and referred to the Committee on County Government and Township Organization.

Senate Joint Resolution No. 15, and Senate Bills Nos. 135, 36, 35, and 37 ordered to enrollment.

RE-REFERENCE OF BILL.

On motion of Senator Wolfe, Senate Bill No. 498—An Act to provide for investigation of fires by the insurance department, and to make provision for the expenses of the same—was re-referred to the Committee on Corporations, but to retain its place on file.

WITHDRAWAL OF BILLS.

Senator Stratton asked unanimous consent to withdraw Senate Bill No. 148—An Act to amend Sections 739 and 769 of the Political Code, relating to the appointment of phonographic reporters by the Supreme Court.

Consent granted.

Senate Bill No. 148 withdrawn and ordered stricken from the file.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 587—An Act to amend Section 595 of the Civil Code of the State of California, relating to religious, social, and benevolent associations.

Also: Senate Bill No. 617—An Act to amend Section 717 of the Civil Code of the State of California, relative to leases of lots.

Also: Senate Bill No. 466—An Act to establish a uniform system to enable any city, city and county, city, or town, or municipality, to furnish the inhabitants thereof with water for domestic, irrigation, or manufacturing purposes or use, within or without their corporate limits.

Consent granted.

Senate Bills Nos. 587, 617, and 466 withdrawn, and ordered stricken from the file.

On motion of Senator Hall, Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof—was re-referred to the San Francisco Delegation, but to retain its place on file.

GENERAL FILE.

Senator Withington moved that the Senate now proceed to the second reading of Senate bills.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 90—An Act for the relief of district agricultural associations.

Bill read second time, considered engrossed, and, on motion of Senator Withington, re-referred to the Committee on Judiciary, but to retain its place on file.

Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend by striking out of the title the following words: "for the acquisition or condemnation of water of municipalities, and."

Amendment adopted.

Also: Amend by striking out all of Section 1.

Amendment adopted.

Also: Amend by changing the words "Section 2," so that they will read "Section 1."

Amendment adopted.

By Senator Luchsinger:

Amend by inserting in Section 2, line 1, after the word "city," the words "incorporated town."

Amendment adopted.

Also: Amend by inserting in Section 2, line 7, after the word "city," the words "incorporated town."

Amendment adopted.

Also: Amend by inserting in Section 2, line 10, after the word "city," the words "incorporated town."

Amendment adopted.

Also: Amend by inserting in Section 2, line 12, after the word "city," the words "incorporated town."

Amendment adopted.

Also: Amend by inserting in Section 2, line 14, after the word "city," the words "incorporated town."

Amendment adopted.

Also: Amend by inserting in Section 2, line 16, after the word "excess," the words "and shall be sold only at the rates fixed for consumers inside the corporate limits."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 298—An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act.

Bill re-referred to the Committee on Finance.

Senate Bill No. 139—An Act to amend Section 1521 of the Political Code, relating to the State Board of Education.

Senator Smith asked unanimous consent to withdraw Senate Bill No. 139 and substitute therefor on file Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Consent granted.

Senate Bill No. 139 withdrawn and ordered stricken from the file, and Senate Bill No. 405 substituted therefor on file.

Senate Bill No. 265—An Act entitled "An Act to amend Section 3009

of the Political Code," relating to the appointment of officers and employes by the San Francisco Board of Health.

The question recurred on the adoption of the following amendment, offered by Senator Dickinson on a previous day:

Amend by striking out of Section 1, lines 4 and 5, the words "quarantine officer, who shall be a physician in good standing."

AYES AND NOES.

The ayes and noes were demanded by Senators Brauhart, Feeney, and Pedlar.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Denison, Dickinson, Franck, Gleaves, Jones, Luchsinger, Mahoney, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, and Withington—19.

NOES—Senators Brauhart, Doty, Feeney, Hall, Henderson, La Rue, Morehouse, Prisk, Seawell, Shine, Toner, and Wolfe—12.

Senator Pedlar moved to amend the bill, as follows:

Amend by striking out of Section 1, lines 31, 32, 33, the words "and whose duty it shall be to make all autopsies required of them by the Coroner of the said city and county."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

RESOLUTION—(OUT OF ORDER).

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That the Secretary of Senate be authorized and directed to renumber sections in Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof—so that they will be consecutive.

Resolution adopted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Bill passed on file, but to retain its place.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill passed on file, but to retain its place.

MOTION.

Senator Boyce moved that Assembly messages be taken up and read.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 12th day of February, passed Assembly Bill No. 461—An Act to amend Section 963 of the Code of Civil Procedure.

Also: Assembly Bill No. 462—An Act to amend Section 977 of the Code of Civil Procedure.

Also: Assembly Bill No. 463—An Act to amend Section 980 of the Code of Civil Procedure.

Also: Assembly Bill No. 255—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to notice for bids for public work.

Also: Assembly Bill No. 372—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Also: Assembly Bill No. 234—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.

Also: Assembly Bill No. 478—An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor, during the year 1894.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: I am directed to return to your honorable body Assembly Bill No. 451 (Substitute for Assembly Bill No. 73 and Assembly Bill No. 102)—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

Also: Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

For the purpose of receiving from your honorable body, in connection therewith, a message setting forth the actual action of the Senate thereon, which, by oversight, is not expressed in the message heretofore received by the Assembly.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 12th day of February, passed Senate Bill No. 195—An Act to regulate medical practice, to prevent blindness in infants.

Also: Adopted Assembly Joint Resolution No. 24—Relative to a bill to increase the salary of letter-carriers.

Also: Passed Assembly Bill No. 455—An Act to add a new section to the Code of Civil Procedure, to be known as Section 676 thereof, relating to conveyances under order of court.

Also: Assembly Bill No. 456—An Act to amend Section 691 of the Code of Civil Procedure.

Also: Assembly Bill No. 457—An Act to add a new section to the Code of Civil Procedure, to be known as Section 811 thereof, relating to dissolution of corporations.

Also: Assembly Bill No. 458—An Act to amend Section 868 of the Code of Civil Procedure.

Also: Assembly Bill No. 459—An Act to amend Section 939 of the Code of Civil Procedure.

Also: Assembly Bill No. 460—An Act to amend Section 943 of the Code of Civil Procedure.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 461, 462, and 463 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 255 read first time, and referred to the Committee on City, City and County, and Town Governments.

Assembly Bill No. 234 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 478 read first time, and referred to the Committee on Finance.

Assembly Joint Resolution No. 24 referred to the Committee on Federal Relations and Immigration.

Assembly Bills Nos. 455, 456, 457, 458, 459, and 460 read first time, and referred to the Committee on Judiciary.

Senate Bill No. 195 ordered to enrollment.

On motion of Senator Boyce, Assembly Bill No. 372 was ordered on special file of Assembly bills, without being referred to committee.

WITHDRAWAL OF BILL.

Senator Boyce asked unanimous consent to withdraw Senate bill No. 412—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries—it being identical with Assembly Bill No. 372, just ordered on Senate file.

Consent granted.

Senate Bill No. 412 withdrawn, and ordered stricken from the file.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Dickinson: Senate Bill No. 693—An Act to amend Section 360 of the Civil Code, relating to the acquisition, holding, and disposition of corporate property.

Referred to the Committee on Corporations.

Also: Senate Bill No. 694—An Act to amend Section 1276 of the Code of Civil Procedure of the State of California.

Referred to the Committee on Corporations.

By Senator Denison: Senate Bill No. 695—An Act to amend Section 224 of the Civil Code, regarding the adoption of children.

Referred to the Committee on Judiciary.

By Senator Beard: Senate Bill No. 696—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities.

Referred to the Committee on City, City and County, and Town Governments.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 681—An Act concerning bridges across navigable streams—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GLEAVES, Acting Chairman.

Assembly Bill No. 681 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 208—An Act making an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for the Insane and Inebriates for the forty-seventh fiscal year.

Also: Assembly Bill No. 216—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the forty-sixth fiscal year.

Also: Assembly Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker for the arrest and conviction of Ed Ward.

Also: Assembly Bill No. 222—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.

Also: Assembly Bill No. 239—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Also: Assembly Bill No. 243—An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 211—An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1889, page 7.

Also: Assembly Bill No. 219—An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations for the forty-sixth fiscal year.

Also: Assembly Bill No. 240—An Act making an appropriation to pay the deficiency in the appropriation "To provide for the erection and operation of rock-crushing plants at the State prisons," etc.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

VOORHEIS, Chairman.

Assembly Bills Nos. 208, 216, 221, 222, 239, 243, 211, 219, and 240 ordered on file for second reading.

MOTION—(OUT OF ORDER).

Senator Morehouse moved that when the Senate take a recess this day it be until Monday next, at ten o'clock A. M.

Motion carried.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file, but to retain its place.

Senate Bill No. 512—An act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to County, City, and City and County Boards of Election Commissioners.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend by striking out the word "four," line 24, page 2, and inserting in lieu thereof the word "three."

Amendment adopted.

Also: Amend by inserting after the word "twelfth," line 68, page 2, the word "and," and striking out the words "fourteenth and fifteenth," line 69, same page.

Amendment adopted.

Also: Amend by inserting before the word "sixteenth," line 71, page 3, the words "fourteenth and fifteenth."

Amendment adopted.

By Senator Stratton:

Amend by striking out of Section 1, last line of page 1, the word "district," and on page 3, first word on line 1, the word "Attorney," of original bill, and insert in lieu thereof the word "Treasurer," and on line 2, of page 2 of said original bill, strike out the word "Assessor," and inserting the following words: "Tax Collector."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 351—An Act entitled "An Act to amend Section 1196 of the Political Code," relating to elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

During the second reading of bill, the following amendments were submitted by Senator Stratton:

Amend Section 3, line 2, by inserting the following, after the word "cast": "for his respective political party, association, or organization."

Amendment adopted.

Also: Amend by striking out of Section 5, line 4, down to "city and county," on line 14, and in lieu thereof inserting the following: "have the exclusive right to regulate and determine all matters affecting their respective political parties, associations, or organizations within such county or city and county, not inconsistent with general laws."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 169—An Act to promote the safety of employes and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

During the second reading of bill, the following committee substitute for the bill was read:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 169.

An Act to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. No person, company, or corporation, operating cars on the streets of cities or towns, or on the county roads within this State, for the conveyance of passengers, propelled by means of wire ropes attached to stationary steam engines, or by steam, electricity, or compressed air, or by any other means, shall run, operate, or use any car or dummy, unless each car and dummy, while in use, shall have a suitable

fender, or appliance, placed in front of and attached to such dummy and car, for the purpose of removing and clearing obstructions from the track, and preventing any obstacles, obstructions, or person, on the track, from getting under said dummy or car, and remove the same out of danger, and out of the way of said dummy or car.

SEC. 2. Every such person, company, or corporation, which hauls or permits to be hauled or used on its line, any car or dummy, in violation of the provisions of this Act, shall be guilty of a misdemeanor, and shall be punishable by fine of one hundred dollars for each and every violation of the provisions of this Act.

SEC. 3. This Act shall take effect on and after the first day of July, eighteen hundred and ninety-eight.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 249—An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BULLA, Chairman.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MINORITY REPORT.

The undersigned members of the committee desire to file a minority report, and recommend that said bill do not pass.

LANGFORD.
BULLA.

Assembly Bill No. 249 re-referred to the Committee on Finance.

RESOLUTION—(OUT OF ORDER).

Senator Smith offered the following resolution, and moved its adoption:

Resolved, That a sub-committee of three from the Finance Committee and three from the Committee on Public Buildings other than Prison Buildings be appointed by the Chairmen of those committees to visit San Luis Obispo, and report upon the feasibility of locating a State institution of learning at that place, such committee to receive its actual traveling expenses.

The ayes and noes were demanded.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Androus, Boyce, Denison, Flint, Franck, Gleaves, Hall, Henderson, La Rue, Mahoney, Morehouse, Pedlar, Shine, Smith, Withington, and Wolfe—16.

NOES—Senators Aram, Beard, Braunhart, Bulla, Dickinson, Doty, Feeney, Gillette, Linder, Luchsinger, Prisk, Seawell, Shippee, Simpson, Stratton, and Trout—16.

NOTICE OF RECONSIDERATION.

Senator Smith gave notice that on Monday next he would move a reconsideration of the vote whereby the above resolution was refused adoption.

RECALL OF BILL.

Senator Flint asked unanimous consent for the recall from the Assembly of Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893—finally passed by the Senate on a previous day.

Consent granted, and the Secretary directed to prepare a message to the Assembly requesting the return of the bill.

NOTICE OF RECONSIDERATION.

Senator Flint gave notice that on Monday next he would move a reconsideration of the vote whereby the Senate on a previous day finally passed Assembly Bill No. 22.

COMMUNICATIONS—(OUT OF ORDER).

On motion of Senator Boyce, the following telegraphic communications, addressed to the President of the Senate, were ordered printed in the Journal:

SAN FRANCISCO, CAL., February 11, 1897.

To LIEUTENANT-GOVERNOR JETER, *Sacramento*:

Senator Perkins wired us from Washington that he would endeavor to get bill passed by Congress for appropriation for vessel to carry food to India's starving millions, if requested by our Legislature. Secretary Herbert of the Navy indicated by telegraph to-day his willingness to coöperate. Have Legislature act at once.

Answer.

SECRETARY COMMITTEE OF FINANCE, INDIA FAMINE RELIEF FUND.

Care Chamber of Commerce.

SAN FRANCISCO, CAL., February 12, 1897.

Honorable W. T. JETER, *Lieutenant-Governor, President of California State Senate, Sacramento, Cal.*:

The Chamber of Commerce respectfully requests the Legislature to adopt a concurrent resolution asking Congress to make an appropriation for chartering a steamship to carry food hence to the starving people of India.

HUGH CRAIG, President.

SAN FRANCISCO, CAL., February 12, 1897.

To Members of the Senate, care LIEUTENANT-GOVERNOR JETER, *Sacramento, Cal.*:

We have wired your Speaker to urge upon your honorable body the necessity on behalf of starving humanity to at once pass concurrent resolution requesting Senator Perkins and others to obtain an appropriation from Congress for the transportation of donations of food to India. Let California act promptly.

COMMITTEE OF FINANCE, INDIA FAMINE RELIEF FUND.

Care Chamber of Commerce.

RECESS AND ADJOURNMENT.

The hour of recess, twelve o'clock and thirty minutes P. M., having arrived, the President, in compliance with a motion heretofore carried, declared the Senate at recess until Monday, February 15, 1897, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, February 15, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, February 12, 1897, was approved.

LEAVE OF ABSENCE.

Senator Beard stated that his presence was needed in court for three days, and a leave of absence for that time was granted him.

Senator Feeney, on motion of Senator Henderson, was granted a leave of absence for the day.

PETITION.

Senator Androus presented the following petition, which was ordered printed in the Journal:

To the honorable SENATOR ANDROUS, and honorable REPRESENTATIVE VOSHURG, members of Legislature from Los Angeles County:

HONORED SIRS: The Code Commission of the Legislature, having recommended the enactment of a general saloon license law, we, the undersigned voters of your district, believing that such a law threatens the moral welfare of our State, do hereby earnestly urge that you as our representatives vote against the enactment of this or any law of like nature.

(Signed :) E. C. Norton, and twenty-four others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape, and what constitutes the same.

Also: Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property—have had the same under consideration, and respectfully report the same back, and recommend that Senate Bill No. 127 be substituted for it, and that it do pass as amended.

Also: Senate Bill No. 526—An Act relating to the taking of depositions, and amending Section 2032 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 527—An Act relating to the falsifying of evidence, and amending Section 132 of the Penal Code of the State of California.

Also: Senate Bill No. 611—An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, their appointments and duties.

Also: Senate Bill No. 630—An Act to create the office of Law Commissioner, to prescribe his powers and duties, to fix his compensation, to provide for the appointment of a secretary and clerk, and making an appropriation for the payment of the salaries of such commissioner, secretary, and clerk, and to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Also: Senate Bill No. 669—An Act to amend Section 842 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 627—An Act to regulate the appointment of, and service as, members of certain commissions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 639—An Act to amend Section 540 of the Code of Civil Procedure, relating to the issuance and form of writs of attachment in civil actions.

Also: Senate Bill No. 655—An Act to amend Section 176 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to support of husband by wife.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 673—A bill to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 79 of said Code, relating to the appointment and number of notaries public in the several counties of this State.

Also: Senate Bill No. 675—An Act to amend Section 1235 of the Penal Code of the State of California, relating to appeals in criminal cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 616—An Act to amend Section 726, and to repeal Section 729, of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work—have had the same under consideration, and respectfully report the same back as unconstitutional.

Also: Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 180, relating to the acceptance and holding of private deposits of money or other valuables in the county treasury by the County Treasurers—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 418—An Act to amend Section 407 of the Code of Civil Procedure—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 502—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to the appointment of special administrators—have had the same under consideration, and ask to have report changed from "do not pass" to "do pass."

SIMPSON, Chairman.

Senate Bills Nos. 616, 673, 675, 639, 655, 627, 669, 526, 527, and 611, and Assembly Bills Nos. 418, 173, 17, 264, 76, and 419 ordered on file for second reading.

Senate Bill No. 630 re-referred to the Committee on Finance.

The report of the Committee on Judiciary, heretofore submitted, on Senate Bill No. 502, ordered to read "do pass," instead of "do not pass."

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 214—An Act making an appropriation to pay the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.

Also: Assembly Bill No. 217—An Act making an appropriation to pay the claims of the State Board of Health, for traveling expenses.

Also: Assembly Bill No. 236—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners.

Also: Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Also: Senate Bill No. 241—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture, etc.

Also: Senate Bill No. 529—An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, California, for moneys expended in behalf of the State of California, for foreclosing State school lands in Colusa County, State of California.

Also: Senate Bill No. 609—An Act making an appropriation to pay the claim of J. W. Sibole.

Also: Senate Bill No. 203—An Act making an appropriation to pay the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.

Also: Senate Bill No. 216—An Act making an appropriation to pay the claims of the State Board of Health for traveling expenses.

Also: Senate Bill No. 242—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 618—An Act to provide, establish, maintain, and locate, in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California, and heretofore used by the "California Home for the Care and Training of Feeble-Minded Children," near the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor—and also the substitute therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass as amended.

Also: Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Assembly Bills Nos. 214, 217, 236, and Senate Bills Nos. 222, 241, 529, 609, 203, 216, 242, 618, and 205, ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2104 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

JONES, Chairman.

Senate Bill No. 422 ordered on file for third reading.

MOTION—(OUT OF ORDER).

Senator Smith moved that the further consideration of Senate Bill No. 136 be made a special order for this afternoon, immediately after special file of Assembly bills.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 99—An Act to amend and add a new section to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to prevent able-bodied persons from banding together and obtaining subsistence by alms.

Also: Senate Bill No. 172—An Act to amend an Act entitled "An Act to amend Section 647 of the Penal Code, concerning vagrants," approved March 19, 1891.

Also: Senate Bill No. 395—An Act to amend Sections 1577, 1579, and 1581 of the Political Code, relating to the public schools.

Also: Senate Bill No. 457—An Act to amend the Political Code by the addition thereto of a new section, to be known as Section 1554, relating to the public schools.

Also: Senate Bill No. 555—An Act to amend Section 1533 of the Political Code of the State of California, relative to public schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 283—An Act to amend Section 321 of the Penal Code of California, relating to lotteries and lottery tickets.

Also: Senate Bill No. 284—An Act to amend Section 322 of the Penal Code of California, relating to lotteries.

Also: Senate Bill No. 520—An Act to provide for the completion of the revision and compilation of certain books of the State series of school text-books, and for the continued publication of the same; and to authorize and direct the use for these purposes of the money accumulated in the State School Book Fund.

Also: Senate Bill No. 525—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 468—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

Also: Senate Bill No. 472—An Act to amend Sections 1790 and 1791 of the Political Code, relating to City Boards of Examination.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 156—An Act to establish the Norwegian system of selling intoxicating liquors, other than vinous and malt liquors—have had the same under consideration, and respectfully report the same back, and recommend that it be considered in the Senate without recommendation from this committee.

BOYCE, Chairman.

Senate Bills Nos. 99, 172, 395, 457, 555, 283, 284, 520, 525, 468, 472, and 156 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator Voorheis (at request of the State Board of Examiners): Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Pedlar: Senate Bill No. 698—An Act to add a new section to the Political Code of California, to be known as Section 1476½, relating to the University Cadets of California.

Referred to the Committee on Military Affairs.

By Senator Androus (by request): Senate Bill No. 699—An Act to amend "An Act to provide for the compiling, illustrating, electrotyping, printing, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885, by amending Sections 7 and 10, and by adding a new section to said Act, numbered 6½, providing for the free use of text-books in the common schools.

Referred to the Committee on Education and Public Morals.

By Senator Denison: Senate Constitutional Amendment No. 34—A resolution to propose an amendment to Article XI of the Constitution of the State of California, relating to the legislative department.

Referred to the Committee on Constitutional Amendments.

RECONSIDERATION.

In compliance with his notice given on Saturday, February 13, 1897, Senator Smith moved a reconsideration of the vote whereby the following resolution was on that day refused adoption:

Resolved, That a sub-committee of three from the Finance Committee and three from the Committee on Public Buildings be appointed by the Chairmen of those committees to visit San Luis Obispo, and report upon the feasibility of locating a State institution of learning at that place, such committee to receive its actual traveling expenses.

The roll was called, and the vote whereby the resolution was refused adoption reconsidered by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Toner, Voorheis, Withington, and Wolfe—29.

NOES—Senators Jones, Stratton, and Trout—3.

The question recurring on the adoption of the resolution, Senator Smith moved to amend as follows: By including, in the places to be visited, the Agnews Asylum, the site for the proposed Home for the Whittier Reform School for Girls, at Santa Clara, and the State Normal School at San José.

Amendment adopted.

The question now recurring on the adoption of the resolution as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Toner, Voorheis, Withington, and Wolfe—29.

NOES—Senators Bulla, Jones, Stratton, and Trout—4.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Fifth and Sixth streets, in said city.

Bill passed on file, but to retain its place.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Bill passed on file, but to retain its place.

Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free

suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

Bill passed on file, but to retain its place.

Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Bill passed on file, but to retain its place.

Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Bill passed on file, but to retain its place.

Substitute for Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

Bill passed on file, but to retain its place.

Committee Substitute for Senate Bill No. 133—An Act to amend an Act entitled "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect and promote the horticultural interest of the State, approved March 14, 1881, approved March 19, 1889," approved March 31, 1891.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 133, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Withington, the vote on the passage of Senate Bill No. 133 was postponed until to-morrow morning, bill to retain its place on file.

Committee Substitute for Senate Bill No. 30—An Act to reduce the rates of fares on street railroads within the incorporated limits of municipal corporations of the first class, and to require the issuance of tickets, not exceeding sixty, at reduced rates to any one person.

Bill read third time.

On motion of Senator Braunhart, Senator La Rue was appointed a special committee of one to amend bill as follows:

Amend the title by striking out all the words therein after the word "tickets," and inserting the words "in packages or strips to be sold at the rate of eight tickets for twenty-five cents, and providing for the use of such tickets in payment of fares during certain hours of the day."

Also: Amend Section 1 of said Act by striking out all the words in lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, and inserting in lieu thereof the words "Every street railroad company within the corporate limits of municipal corporations of the first class, within this State, shall keep on sale on their cars in service, between the hours from six to eight o'clock of the forenoon, and from five to seven o'clock in the afternoon, of each day, tickets to be sold in strips or packages of eight tickets for twenty-five cents. Each one of which tickets shall be accepted by such railroad companies during such hours of the day above specified, in payment of one fare for each passenger per trip of any distance in one direction, either going or coming, along any part of the whole length of the road and its connections; *provided*, that the privilege of transfer to all branch lines, belonging to the same system, or other railroads existing on the first day of January, eighteen hundred and ninety-seven, must in no-wise be abridged or impaired."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 30, with instructions to amend, respectfully reports the same back, amended as per instructions.

LA RUE, Committee.

AYES AND NOES.

On the adoption of the report of the special committee of one and amendments, the ayes and noes were demanded by Senators Gleaves, Toner, and Braunhart.

The roll was called, and the report and amendments adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Doty, Dwyer, Franck, Gillette, Hall, Henderson, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Voorheis, Withington, and Wolfe—25.

NOES—Senators Denison, Dickinson, Gleaves, Holloway, Mahoney, Morehouse, Shine, Shippee, and Trout—9.

Bill ordered to print and reëngrossment.

Senate Bill No. 8—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 8, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 8 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, and Wolfe—33.

NOES—None.

Title read and approved.

PERMISSION TO FILE MINORITY REPORT.

Senator Seawell asked unanimous consent to file on a later day a minority report as a member of the special committee appointed to visit the Mendocino Asylum, at Ukiah.

Consent granted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 50—An Act defining the different grades of cheese, and for branding the same, manufactured in the State of California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read: *

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 50, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 50 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Trout, Voorheis, and Wolfe—31.

NOES—Senator Withington—1.

Title read and approved.

Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 69.

These sections follow Sections 3246 and 3247, which relate to conductors and drivers of street cars, and attempt to classify laborers and to regulate the hours of labor and the compensation of each class. They do not pretend to deal with laborers as a genus, but only to certain species of laborers.

It is a special law, and falls within the prohibition of Section 25, Article IV, of the Constitution. (Ex parte Westerfield, 55 Cal. 550; People vs. Central Pacific R. R., 83 Cal. 411; Dougherty vs. Austin, 94 Cal. 622.)

A law is general when it applies equally to all persons embraced in a class, founded upon some natural, or intrinsic, or constitutional distinction; it is not general if it confers particular privilege, or imposes peculiar disabilities, or burdensome conditions in the exercise of a common right, upon persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subjects of the law. (Pasadena vs. Stimson, 91 Cal. 238.)

Senate Bill No. 69 arbitrarily selects laborers employed in certain kinds of employment, and grants them rights and remedies not granted to all laborers, and it imposes burdensome conditions upon one species of employers not imposed on all employers of labor.

As a general law, it will not stand the test as laid down in Bloss vs. Lewis, 109 Cal. 493; Ex parte Kubock, 85 Cal. 274.

The bill is correct in text and reference, and the object cannot be obtained under any law now in force, but your committee is of the opinion that said bill is unconstitutional for the reasons above given.

WITHINGTON, for the Committee.

On motion of Senator Hall, Senate Bill No. 69 was re-referred to the Committee on Judiciary, to report back to the Senate on to-morrow.

Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 73, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The word "the" should be inserted in line 2 of Section 2, before the word "contract"; also, that all of Section 4 should be stricken out; also, strike out the words "Sec. 5," and insert in place thereof the words "Sec. 4."

They therefore recommend that Senator Henderson be appointed a special committee of one, to whom the bill shall be recommended, to amend the same as herein suggested.

WITHINGTON, for the Committee.

Senator Henderson was appointed a special committee of one to amend bill according to recommendation of the Committee on Rules and Revision.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 73, with instructions to amend, respectfully reports the same back, amended as per instructions.

HENDERSON, Committee.

Report of special committee of one and amendments adopted.

Bill read third time, and ordered to print and reëngrossment.

Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 77, have examined the same, and report that the object cannot be secured under existing laws; and the same is correct in text and reference, except as follows:

Your committee is of the opinion that that part of Section 1 commencing with the word "No," in line 8, up to and including the "and" in line 15 of said section, is unconstitutional, and should be stricken out.

They therefore recommend that Senator Stratton be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

Senator Stratton was appointed a special committee of one to amend bill as recommended.

On motion of Senator Holloway, Senator Stratton, as the special committee of one, was also instructed to amend as follows:

Amend Section 1, line 8, after the word "purposes," by inserting the following: "*provided*, that nothing herein contained shall authorize any such corporation to engage in the business of banking."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 77, with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 111—An Act to amend Section 1093 of the Penal Code, relating to order of trial.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 111, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 111 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, and Withington—28.

NOES—Senators Gillette, Mahoney, Trout, and Wolfe—4.

Title read and approved.

Senate Bill No. 126—An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 126, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 126 passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Franck, Hall, Henderson, Holloway, La Rue, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, and Withington—23.

NOES—Senators Gillette, Langford, Luchsinger, Mahoney, Trout, and Wolfe—6.

Title read and approved.

Senate Bill No. 161—An Act to amend Section 798 of the Political Code of the State of California, fixing the fees of notaries public.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 161, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and Senate Bill No. 161 passed by the following vote:

AYES—Senators Androus, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Henderson, Jones, Langford, La Rue, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—26.

NOES—Senators Aram, Beard, Bert, Boyce, Dwyer, Hall, Holloway, Mahoney, Toner, and Wolfe—10.

Title read and approved.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Bill passed on file, but to retain its place.

RECONSIDERATION.

On motion of Senator Holloway, the rules were suspended and the vote reconsidered whereby the Senate this day adopted, through the report of a special committee of one, amendments to Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

The question recurring on the adoption of the report of special committee of one, Senator Holloway moved that report, amendments, and bill be re-referred to Senator Withington as a special committee of one

to make such changes in bill and amendments as to him seem proper, in order that the bill may conform to the law.

Motion carried.

RE-REFERENCE OF BILL.

Senator Gillette asked unanimous consent for the withdrawal from the file and its re-reference to the Committee on Banks and Banking of Senate Bill No. 384—An Act to prohibit the officers and employes of banks and banking corporations from borrowing the funds thereof.

Consent granted, and bill re-referred to the Committee on Banks and Banking.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 74—An Act to protect all citizens in their civil and legal rights.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 74, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

Senate Bill No. 105—An Act relating to pawnbrokers, companies and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 105, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Androus, Bert, Bulla, Chapman, Denison, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Frisk, Seawell, Shine, Simpson, Toner, Trout, and Wolfe—25.

NOES—Senators Braunhart, Dickinson, Doty, Smith, and Withington—5.

Title read and approved.

NOTICE OF RECONSIDERATION.

Senator Wolfe gave notice that he would, on the next legislative day, move a reconsideration of the vote whereby Senate Bill No. 105 was this day passed.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 77, with instructions to amend, have stricken out of Section 1, commencing from the words "in any city," in line 10, up to and including the word "inhabitants," in line 13;

also, stricken out the words "and twenty-five," in line 14 of said Section 1, and have also inserted the amendment proposed by Senator Holloway, and respectfully report the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 130—An Act to amend the Code of Civil Procedure by adding a new section, to be known as Section 730, relating to attorney's fees in suits for the foreclosure of mortgages.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 130, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

It having been discovered that Senate Bill No. 130 had been incorrectly engrossed, the bill was ordered back for proper engrossment.

WITHDRAWAL OF BILL.

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 175—An Act to authorize any city or city and county of this State to take its census—and substitute therefor on file Substitute for Senate Bill No. 42—An Act to amend Section 224 of the Civil Code of California, relating to the adoption of orphan, half orphan, or abandoned children.

Consent granted.

Senate Bill No. 175 withdrawn and ordered stricken from the file, and Substitute for Senate Bill No. 42 substituted therefor on file.

Substitute for Senate Bill No. 42—An Act to amend Section 224 of the Civil Code of California, relating to the adoption of orphan, half orphan, or abandoned children.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 42, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Substitute for Senate Bill No. 42 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Trout, Voorheis, and Withington—26.

NOES—None.

Title read and approved.

Senate Bill No. 260—An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 260, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Gleaves, Hall, Henderson, La Rue, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Voorheis, and Withington—24.

NOES—Senators Beard, Braunhart, Bulla, Gillette, Jones, Pedlar, Prisk, Trout, and Wolfe—9.

Title read and approved.

Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 332, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The word "Section" should be inserted in line 4 of Section 1, before the figures "1881."

They therefore recommend that Senator Aram be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

SEAWELL, for the Committee.

Senator Aram was appointed a special committee of one to amend bill as recommended.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 332, with instructions to amend as follows: Insert the word "Section," in line 4, before the figures "1881," respectfully reports the same back, amended as per instructions.

ARAM, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate bills as follows:

Senate Bill No. 35—An Act entitled an Act to authorize cities and towns owning public parks outside their limits to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities and towns to, into, and through such parks, and to acquire lands for that purpose.

Also: Senate Bill No. 36—An Act to extend the jurisdiction and authority of cities and towns over parks owned by them, situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.

Also: Senate Bill No. 37—An Act to authorize cities and towns to grant franchises for

the construction and maintenance of railroads beyond the limits of such cities or towns, leading to public parks owned thereby.

Also: Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor.

Also: Senate Bill No. 195—An Act to regulate medical practice, to prevent blindness in infants.

And presented the same to the Governor on this day, at eleven o'clock and fifty minutes A. M.

JONES, Chairman.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Senator Withington moved that Assembly Bill No. 139 be re-referred to the Committee on Judiciary, with instructions to report as to the constitutionality of bill.

Motion carried, and Assembly Bill No. 139 re-referred to the Committee on Judiciary, but to retain its place on file.

Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 13, 1874; April 23, 1880.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision heretofore having reported favorably, the question was on the final passage of the bill.

The roll was called, and Assembly Bill No. 453 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Brauhart, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and

powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 134, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

LEAVE OF ABSENCE.

At two o'clock and twelve minutes P. M., on motion, Senators Smith and Withington were granted a leave of absence for one hour, for the purpose of committee duty on Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

ROLL CALL.

The roll was called, and Assembly Bill No. 134 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Trout, and Voorheis—28.
NOES—Senators Holloway and Pedlar—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

Bill passed on file, but to retain its place.

Assembly Bill No. 7—An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 7, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 7 finally passed by the following vote:

AYES—Senators Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Pedlar, Seawell, Shippee, Simpson, Trout, and Voorheis—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 182—An Act to authorize any city or city and county of this State to take its census.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 182, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 182 finally passed by the following vote:

AYES—Senators Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Trout, and Voorheis—23.

NOES—Senators Jones and Seawell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 738—An Act to amend Sections 237, 245, 246, and 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employes of the Legislature.

Bill passed on file, but to retain its place.

Assembly Bill No. 21—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

The bill having been read a third time on a previous day, and a favorable report from the Committee on Rules and Revision therefor received and read, the question was on the passage of the bill.

The roll was called, and Assembly Bill No. 21 finally passed by the following vote:

AYES—Senators Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shippee, Simpson, Trout, and Voorheis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 681—An Act concerning bridges across navigable streams.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

During the second reading of bill, the following amendment was submitted by Senator Seawell:

Amend by striking out of Section 1, line 5, the words "twenty-five" and inserting the following: "eighteen."

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Boyce, Doty, and Gleaves.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Androus, Aram, Braunhart, Denison, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shippee, Trout, and Voorheis—20.

NOES—Senators Bert, Boyce, Bulla, Chapman, Morehouse, Shine, and Simpson—7.

NOTICE OF RECONSIDERATION.

Senator Braunhart gave notice that on next legislative day he would move a reconsideration of the vote whereby the foregoing amendment to Assembly Bill No. 372 was this day adopted.

The following amendment was also submitted by Senator Seawell:

Amend by striking out of Section 1, line 8, the word "fifteen," and inserting in lieu thereof the following: "twelve."

Pending a vote on the above amendment, the hour of three o'clock and thirty minutes P. M. having arrived, the President declared further consideration of the bill out of order.

MOTION.

At three o'clock and thirty-one minutes P. M., Senator Seawell moved that the Senate adjourn.

The ayes and noes were demanded by Senators Braunhart, Doty, and Seawell.

The roll was called, with the following result:

AYES—Senators Androus, Aram, Boyce, Braunhart, Chapman, Doty, Dwyer, Hall, Henderson, Mahoney, Morehouse, Seawell, Shine, Stratton, and Toner—15.

NOES—Senators Bert, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Simpson, Trout, Voorheis, and Wolfe—19.

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion lost.

Whereupon the President declared the motion to adjourn lost.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Voorheis, messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: I am directed to return to your honorable body Assembly Bill No. 41, and to request that the Assembly be furnished with a message setting forth the actual action of the Senate thereon.

S. J. DUCKWORTH, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 583—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, and to appoint a secretary therefor, to relieve said court from the overburdened condition of its calendar, and to provide for the compensation of said commissioners and secretary, and to appropriate money therefor.

Also: On the 13th of February, 1897, passed Assembly Bill No. 405—An Act making an appropriation for improving the Capitol buildings and grounds.

S. J. DUCKWORTH, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: I am directed to return to your honorable body Assembly Bill No. 22, agreeable to request of February 13, 1897.

S. J. DUCKWORTH, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 13th day of February, passed Assembly Bill No. 71—An Act to amend Section 4428 of the Political Code of the State of California, relating to the powers of Judges of Police Courts to call in Justices of the Peace to act in their place and stead.

Also: Assembly Bill No. 114—An Act to provide for the publication of the State Blue Book, or Roster.

Also: Assembly Bill No. 476—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 86—An Act to amend Section 1197 of the Code of Civil Procedure, relating to independent rights of action in cases of liens.

Also: Assembly Bill No. 100—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Also: Assembly Bill No. 273—An Act to amend Section 170 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualification of Judges, as amended by an Act approved March 23, 1893.

Also: Assembly Bill No. 275—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract or land upon which the same was assessed) upon subsequent assessments.

Also: Assembly Bill No. 496—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

S. J. DUCKWORTH, Chief Clerk.

The Secretary was instructed to prepare a message and transmit the same to the Assembly, setting forth the action of the Senate, in detail, on Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

Senate Bill No. 583 ordered to enrollment.

Assembly Bill No. 405 read first time, and referred to the Committee on Finance.

Assembly Bill No. 22 ordered on file for further consideration.

Assembly Bills Nos. 71, 86, 100, 273, and 496 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 114 read first time, and referred to the Committee on Public Printing and State Library.

Assembly Bill No. 476 read first time, and referred to the Committee on City, County, and Town Governments.

Assembly Bill No. 275 read first time, and referred to the Committee on Public and Swamp and Overflowed Lands.

LEAVE OF ABSENCE.

At three o'clock and forty minutes P. M., on motion of Senator Boyce, the Committee on Education and Public Morals was granted a leave of absence for one hour.

SECOND READING OF SENATE BILLS—(OUT OF ORDER).

On motion of Senator Voorheis, Senate Bill No. 621 was taken up for further consideration.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State and to make compensation to counties for the exemption of property from taxation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Voorheis moved that the further consideration of Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

Also: Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Also: Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Be made a special order for to-morrow, immediately after consideration of the Assembly file, it having been heretofore agreed that Senate Bills Nos. 273, 274, and 621 be considered together.

Motion carried.

RECONSIDERATION.

In compliance with his notice given on Saturday, February 13, 1897, Senator Flint moved a reconsideration of the vote whereby Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893—was finally passed by the Senate on a previous day.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Bert, Braumbart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Langford, Linder, Luchsinger, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, Withington, and Wolfe—26.

NOES—None.

The question recurred on the final passage of Assembly Bill No. 22.

Before the question was put, Senator Luchsinger was appointed a special committee of one, on motion of Senator Flint, to amend bill as follows:

In engrossed bill, insert between subdivision *h* and subdivision *j*, the following:

Subdivision *i*. On receiving the certificate of sale, the Recorder must file it, and make an entry in a book similar to that required of the City Treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the City Treasurer for the total amount of the redemption money, the Recorder must, without charge, mark the word "Redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 22, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

INTRODUCTION AND FIRST READING OF BILLS--(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Flint: Senate Bill No. 700—An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds.

Referred to the Committee on Finance.

By Senator Linder: Senate Bill No. 701—An Act to amend Section 757 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Gleaves: Senate Bill No. 702—An Act empowering peace officers to receive rewards for the arrest, conviction, or apprehension of persons accused of crime.

Referred to the Committee on State Prisons and Prison Buildings.

Also (by request): Senate Bill No. 703—An Act to amend Section 1636 of the Political Code, relating to school census marshals.

Referred to the Committee on Education and Public Morals.

By Senator Smith: Senate Bill No. 704—An Act requiring owners, lessees, and possessors of land to destroy squirrels thereon, and providing for the expense thereof in case of neglect.

Referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 312—An Act to provide for the payment of interest at the statutory rate to every bona fide owner and holder of any unlocated or uncanceled school land warrant issued under the Act of the State of California approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and to each and every person having owned and canceled any such warrant or warrants under the Act of March 23, 1893, and proposed substitute—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

Senate Bill No. 312 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Joint Resolution No. 15—Relative to sending food to the famine-stricken people of India—and presented the same to the Governor on this day, at twelve o'clock and fifty minutes P. M.

JONES, Chairman.

RECESS.

At three o'clock and fifty-five minutes P. M., on motion of Senator Dickinson, the Senate took a recess until eight o'clock P. M. this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Prisk was granted leave of absence for the remainder of the day, on motion of Senator Seawell.

Senators Simpson, Aram, Bert, Withington, Boyce, Bulla, Gillette, Morehouse, Stratton, Wolfe, and Seawell, members of the Committee on Judiciary, were granted a leave of absence for the evening, for committee duty.

SPECIAL ORDER.

Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

The bill not having as yet gone to engrossment, the bill was considered as being on second reading and open for amendment.

The following amendments were submitted:

By the committee:

Amend by inserting after the word "dollars," in line 99, page 11, of the printed bill, Section 25, the words "or if it be the product of the county farm."

Amendment adopted.

By Senator Seawell:

Amend by striking out of line 10, Section 55, the words "Auditor and Recorder."

Amendment lost.

Also: Amend Section 55 by striking out of lines 10 and 11 the words "County Clerk and Auditor."

Amendment lost.

Also: Amend Section 55 by striking out of lines 10 and 11 the words "County Clerk, Auditor, and Recorder."

Amendment lost.

By the committee:

Amend by striking out line 45, page 64, subdivision 2, Section 159, of the printed bill, all after the word "notices"; also, all of lines 46 and 47, and all of line 48, except the last two words on line 48.

Amendment adopted.

Also: Amend by adding after the word "purpose," in line 185, page 68, subdivision 9, Section 159, the words "as now provided by law."

Amendment adopted.

Also: Amend by striking out all of subdivision 14, Section 159, page 69, of printed bill, after the figures "14," at the beginning of said subdivision, and inserting the following:

Justices of the Peace, such fees as are now or may be hereafter allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such Justice of the Peace in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all

finer and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall on said date deposit with the County Treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said board with their said report; *provided further* that the Boards of Supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office, and the necessary furniture and supplies for the Justice's Court.

Amendment adopted.

Also: Amend by striking out all of subdivision 15, Section 159, page 69 of printed bill after the figures "15," at the beginning of said subdivision, and inserting instead thereof the following:

Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be made parties; and no claim of any such Constable, in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such Constable, on the account aforesaid, shall belong to and be the property of the county in which Constable has been elected or appointed. And each of said Constables shall report under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the County Treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said board, with his said report.

Amendment adopted.

Also: Amend by striking out of Section 160, line 56, the words "at the rate of" and inserting the following: "not exceeding."

Amendment adopted.

Also: Amend by striking out of Section 160, line 218, the word "*provided*"; also, lines 219 and 220.

Amendment adopted.

Also: Amend by striking out of Section 160, line 239, the words "in full for all services."

Amendment adopted.

Also: Strike out lines 240, 241, 242, 243, 244, and the words "them to the county," in line 245.

Amendment adopted.

Also: By striking out the words "each Justice of," in line 247, and remainder of the subdivision.

Amendment adopted.

Also: Amend by striking out of Section 160, subdivision 17, and renumber subdivision 18 as 17.

Amendment adopted.

By Senator Franck:

Amend by striking out of Section 161, line 62, subdivision 15, the word "sum," and inserting in lieu thereof the following: "mileage."

Amendment adopted.

By the committee:

Amend by striking out of Section 162, line 63, beginning with the word "and," down to and including "paid," in line 68.

Amendment adopted.

Also: Amend by striking out of Section 164, line 106, the word "the" at end of line, and the balance of section.

Amendment adopted.

By Senator Pedlar:

Amend by inserting in Section 166, after line 19, after the word "annum," the words "he shall have such copyists as are necessary to perform the duties of the office, at a compensation not to exceed six cents per folio."

Amendment adopted.

Also: Amend by inserting in Section 166, line 24, after the word "thousand," the words "five hundred."

Amendment adopted.

Also: Amend by striking out of Section 166, line 71, after the word "folio," the words "the first," and inserting the word "a."

Amendment adopted.

By Senator Luchsinger:

Amend by striking out of Section 169 all of subdivision 2, and inserting the following:
2. The Sheriff, forty-five hundred dollars per annum, and the fees or commissions for the services of all papers whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

Amendment adopted.

Also: Amend by striking out of Section 169 all of subdivisions 13 and 14, and inserting the following in lieu:

13. Justices of the Peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil cases.

14. Constables, the following salaries, which shall be paid monthly, as salaries of county officers are paid, and which shall be in full for all services rendered by them, in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each Constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. For the purposes of this Act, for fixing the compensation of the Justices and Constables above mentioned, the population of the different townships of the county are declared to be based upon the figures as shown by the United States census of eighteen hundred and ninety.

Amendment adopted.

By the committee:

Amend by striking out of Section 177, lines 29 and 30, to and including the word "seventy," and inserting the following:

14. Constables, such fees as are now or may hereafter be allowed by law.

Amendment adopted.

Also: Amend by striking out of Section 178 all of subdivision 6 beginning with the word "provided."

Amendment adopted.

Also: Amend by striking out of Section 178 all of subdivision 11 beginning with "his," in line 35.

Amendment adopted.

Also: Amend by striking out of Section 178 all of subdivision 13 beginning with the word "the," in line 60, down to and including the word "appeal," line 97, and inserting the following: "the fees allowed by law."

Amendment adopted.

Also: Amend by striking out of Section 178 all of subdivision 14, beginning with the word "the," in line 124, and inserting the following: "the fees allowed by law."

Amendment adopted.

Also: Amend by striking out of Section 179, line 27, the words "County Clerk" and inserting the following: "Assessor," in lieu.

Amendment adopted.

Also: Amend by striking out of Section 179, line 35, the words "County Clerk," and inserting the following: "District Attorney."

Amendment adopted.

By Senator Aram:

Amend Section 181, printed bill, as follows: Strike out all of line 68, down to and including line 72 thereof, commencing with the words "the Supervisors," down to and including the words "purposes hereof," and insert in lieu thereof the following as a new subdivision, to be numbered "Sub. 14½":

Sub. 14½. The Supervisors of counties of this class shall, during the month of August of each year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers, regulated by this Act, in proportion to their duties.

Amendment adopted.

By the committee:

Amend by striking out of Section 184, line 17, the word "twelve," and inserting the following: "fifteen."

Amendment adopted.

By Senator Dickinson:

Amend by adding to subdivision 14, in Section 195, on page 133 of printed bill, as follows: "and in addition thereto three dollars per day for each day's actual attendance in court when ordered to be there by the Justice or Recorder; *provided*, that no Constable shall receive more than three dollars for any one day's attendance on any court."

Amendment adopted.

By the committee:

Amend by striking out of Section 199 all of lines 18 and 19, beginning with the word "he."

Amendment adopted.

By Senator Linder:

Amend by striking out of Section 200, line 18, the words "fifteen hundred," and inserting in lieu thereof the following: "two thousand."

Amendment adopted.

By Senator Pedlar:

Amend by striking out of Section 202, lines 19 and 20, the words "such fees as are now or may hereafter be allowed by law," and inserting the following: "ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field."

Amendment adopted.

Also: Amend by striking out of Section 202, line 21, after the word "Peace" the word "the," and inserting the following in lieu thereof: "such."

Amendment adopted.

Also: In same line, after the word "fees," insert the words "as are."

Amendment adopted.

Also: Amend by striking out of Section 202, line 23, after the word "Constables" the word "the," and inserting the following in lieu thereof: "such."

Amendment adopted.

Also: Strike out of line 23, after the word "fees," the words "as are."

Amendment adopted.

By Senator Linder:

Amend by striking out of Section 211, line 8, the word "five" and inserting in lieu thereof the following: "two."

Amendment adopted.

By the committee:

Amend by striking out of Section 211, line 28, the words "in each case."

Amendment adopted.

Also: Amend by striking out of Section 213, lines 45 and 46.

Amendment adopted.

Also: Amend Section 215, line 15, by inserting after the word "Assistant," the word "or."

Amendment adopted.

On motion of Senator Smith, Senate Bill No. 136 was ordered to reprint and engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 251—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYCE, Chairman.

Assembly Bill No. 251 ordered on file for second reading.

MOTION.

Senator Flint moved that the Senate proceed to the second reading of Senate bills.

So ordered.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 90—An Act for the relief of district agricultural associations.

Bill passed on file, but to retain its place.

Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill passed on file, but to retain its place.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

During the second reading of bill, the following amendments were submitted by Senator Gleaves:

Amend by striking out all of Section 14 and inserting in lieu thereof the following:
SEC. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Amendment adopted.

Also: Amend by adding to the bill the following, to be known and numbered as Section 15:

SEC. 15. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 482—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of line 6 of Section 1 of printed bill the words "and fifty."

Amendment adopted.

Also Amend by striking out of line 5 of Section 1 of printed bill the word "one" and inserting in lieu thereof the word "two."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 348—An Act prohibiting the establishing, locating, placing, or maintaining of any hospital, sanitarium, building, or other structure used, or intended to be used, for the reception, care, or treatment of any person or persons afflicted with any contagious or infectious disease, within three thousand feet of any lake, pond, river, creek, ditch, or reservoir, the water of which is or may be used for domestic purposes other than in said institution; and forbidding any person or corporation from receiving, accepting, caring for, or treating any person or persons afflicted with any contagious or infectious disease in any such hospital, sanitarium, building, or other structure within three thousand feet of any lake, pond, river, creek, ditch, or reservoir, the water of which is or may be used for domestic purposes other than in said institution.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor.

Committee Substitute for Senate Bill No. 64 referred to the Committee on Finance, but to retain its place on file.

Senate Bill No. 515—An Act prescribing the manner of locating and relocating mining claims and mill sites upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 541—An Act to amend an Act entitled "An Act concerning the waterfront of the City and County of San Francisco," approved March 15, 1878.

During the second reading of bill, the following amendment was submitted by Senator Brauhart:

Amend by adding to Section 1 line 49 the word "of" between the words "collecting" and "summit."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 382—An Act to empower the legislative body of any incorporated city or town within the State of California to levy taxes and expend the same in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 489—An Act to amend Section 3051 of the Civil Code, relative to sale of stock left in pasture or stables.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 524—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend Section 9 by striking from line 3, printed bill, the word "twenty," and inserting instead the word "fifteen."

Amendment adopted.

Also: Amend Section 9 by striking from line 8, printed bill, the word "twenty," and inserting instead the word "fifteen."

Amendment adopted.

By Senator Gleaves:

Amend by striking out of Section 8, line 1, the word "twenty," and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

ADJOURNMENT.

At nine o'clock and thirty-five minutes P. M., on motion of Senator Seawell, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 16, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Saturday, February 13, 1897, was approved.

PETITIONS.

Senator Voorheis presented the following petition, which was read and ordered printed in the Journal:

SOUTHERN CALIFORNIA ACADEMY OF SCIENCES,
LOS ANGELES, CAL., February 10, 1897. }

The following resolutions were unanimously adopted at a general meeting of the Southern California Academy of Sciences, held at Los Angeles, February 9, 1897:

WHEREAS, The California State Mining Bureau as at present constituted has been and is of great service to the cause of science and to the mining interests of California;

Resolved, That the Southern California Academy of Sciences earnestly commends the State Mining Bureau and its work to the favorable consideration of the Legislature of California, and urges the Legislature of California to give the Mining Bureau adequate support; and

Resolved, That this society is opposed to having the State Mining Bureau placed under the control of, or combined with, any other institution.

WM. H. KNIGHT, President.
B. R. BAUMGARDT, Secretary.

Senator La Rue presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the State of California:

We, the undersigned citizens or taxpayers of the town of St. Helena, a town of the sixth class, hereby respectfully protest against the passage of any bill intended to increase the limit of taxation above the limit now fixed by law for the towns of the sixth class for the State of California.

(Signed:) G. B. Crane, and twenty others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 208—An Act making an appropriation to pay the claim of Dennis Jordan, for balance due on work done at the State Prison at Folsom.

Also: Assembly Bill No. 249—An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom.

Also: Senate Bill No. 209—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Also: Senate Bill No. 329—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation, of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant.

Also: Senate Bill No. 59—An Act to pay the claim of Mrs. Sarah H. Wing against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 210—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Also: Senate Bill No. 233—An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 223—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 244—An Act making an appropriation to pay the claim of Sarah H. Wing, for the killing of her husband, O. H. Wing—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

Also: Assembly Bill No. 220—An Act making an appropriation to pay the deficiency in the appropriation for care of State Burial Grounds, for services rendered by W. C. Farnsworth—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 227—An Act making an appropriation incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 243—An Act making an appropriation to pay the deficiency in the appropriation for care of State Burial Grounds, for services rendered by W. C. Farnsworth—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 401—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 147—An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Also: Assembly Bill No. 120—An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Senate Bill No. 311—An Act appropriating the sum of \$15,000 for the erection in Golden Gate Park, San Francisco, Cal., of a monument or statue to the memory of Col. E. D. Baker, and appointment of a commission to carry into effect the provisions of this Act.

The committee is not unmindful of the loyal and distinguished service rendered to the country by the illustrious statesman and soldier, Col. E. D. Baker, but as this bill contemplates the appropriation of State moneys to build a monument on ground not owned by the State, the committee is, therefore, constrained to report the bill back, recommending that it do not pass.

VOORHEIS, Chairman.

Senate Bills Nos. 208, 209, 329, 59, 210, 233, 223, 243, 401, 147, and 311, and Assembly Bills Nos. 249, 220, 227, and 120, ordered on file for second reading.

By unanimous consent, Senate Bill No. 244 was withdrawn, in compliance with the committee's request, and ordered stricken from the file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 653—An Act concerning corporations and the formation thereof for certain purposes.

Also: Senate Bill No. 654—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1893, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Judiciary.

Also: Senate Bill No. 517—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

Also: Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 667—An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 379—An Act to regulate the business of running and conduct-

ing sleeping cars for profit over railroads within the State of California, and to provide a penalty for the violation of the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DICKINSON, Chairman.

Senate Bills Nos. 517, 667, and 379, and Assembly Bill No. 396, ordered on file for second reading.

Senate Bills Nos. 653 and 654 re-referred to the Committee on Judiciary.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 210—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy in conveying children to Whittier.

Also: Assembly Bill No. 212—An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners, from February 15, 1891, to March 21, 1891.

Also: Assembly Bill No. 218—An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard.

Also: Assembly Bill No. 223—An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan for attempted highway robbery.

Also: Assembly Bill No. 226—An Act making an appropriation to pay the claim of William Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.

Also: Assembly Bill No. 228—An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall for attempted highway robbery.

Also: Assembly Bill No. 230—An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel Maguire for attempted highway robbery.

Also: Assembly Bill No. 231—An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery.

Also: Assembly Bill No. 235—An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.

Also: Assembly Bill No. 237—An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, they being identical with Senate Bills Nos. 234, 211, 245, 217, 224, 220, 218, 219, 225, and 240, heretofore favorably acted upon by this committee, and which should be withdrawn from the files.

Also: Assembly Bill No. 234—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments—have had the same under consideration, and respectfully report the same back without recommendation, it being identical with Senate Bill No. 200, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Assembly Bill No. 238—An Act making an appropriation to pay the claim of George A. Sturtevant, for costs of suits in foreclosing delinquent purchasers of State school lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that Senate Bill No. 121, which is an identical bill, be withdrawn from the file.

Also: Senate Bill No. 423—An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876.

Also: Senate Bill No. 302—An Act making an appropriation to pay the claim of John F. Kidder, for traveling expenses from August 15, 1893, to December 21, 1896, inclusive.

Also: Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinnes.

Have had the same under consideration, and amended them, and respectfully report the same back, and recommend that they do pass as amended, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 431—An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor, during the year 1894—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bills Nos. 210, 212, 218, 223, 226, 228, 230, 231, 235, 237, 234, and 238, and Senate Bills Nos. 302, 423, 431, and 670, re-referred to the Committee on Finance.

Senate Bills Nos. 234, 211, 245, 217, 220, 224, 218, 219, 225, 240, and 121 withdrawn, and ordered stricken from the file.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 665—An Act to amend an Act entitled "An Act to prevent the sale of short-weight rolls of butter," approved March 11, 1893.

Also: Senate Bill No. 160—An Act to regulate the sale of milk.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 558—An Act entitled an Act to provide for a State Food Commissioner, assistants, salary, expenses, and duties—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SHIPPEE, Chairman.

Senate Bill No. 558 re-referred to the Committee on Finance.

Senate Bills Nos. 665 and 160 ordered on file for second reading.

BILL RE-REFERRED.

On motion of Senator Simpson, Senate Bill No. 675—An Act to amend Section 1235 of the Penal Code of the State of California, relating to appeals in criminal cases—was re-referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries—have had the same under consideration, and respectfully report the same back, with the opinion that the same is unconstitutional.

Also: Senate Bill No. 90—An Act for the relief of district agricultural associations—have had the same under consideration, and respectfully report the same back, with the opinion that the same is constitutional.

Also: Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bills Nos. 69 and 90, and Assembly Bill No. 12, ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 666—An Act to amend Section 1670 of the Political Code of California.

Also: Senate Bill No. 445—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto two sections, to be numbered 288 and 289, to punish the crimes of open and notorious cohabitation and adultery.

Also: Senate Bill No. 494—An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506 of the Political Code, relating to State Normal Schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BOYCE, Chairman.

Senate Bills Nos. 666, 445, and 494 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Fifth and Sixth streets in said city.

Also: Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Also: Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Also: Substitute for Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

Also: That the following bill has been correctly reengrossed: Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereof by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

JONES, Chairman.

Senate Bills Nos. 290, 370, 93, 140, and 65 ordered on file for third reading.

MOTION TO RECONSIDER.

Senator Wolfe, in accordance with his notice given February 15, 1897, moved that the Senate reconsider the vote whereby Senate Bill No. 105—An Act relating to pawnbrokers, companies and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act—was on yesterday passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Braunhart, Bulla, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Prisk, Simpson, Smith, Voorheis, and Wolfe—17.

NOES—Senators Androus, Bert, Chapman, Denison, Hall, Linder, Mahoney, Morehouse, Pedlar, Seawell, Stratton, Toner, and Trout—13.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in the Senate amendments to the following bills:

Assembly Bill No. 11—An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 28, 1895.

Also: Assembly Bill No. 41—An Act to amend Section 1469 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of \$1,500.

Also: Assembly Bill No. 451 (Substitute for Assembly Bill No. 73 and Assembly Bill No. 102)—An Act to amend Sections 632 and 634 of the Penal Code of the State of California, relating to fish.

Also: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 183—An Act to amend Section 690 of the Code of Civil Procedure, relating to exemptions from execution.

Also: Senate Bill No. 58—An Act to authorize State agricultural societies under the control of the State to sell property.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 183 read first time, and referred to the Committee on Judiciary.

Senate Bill No. 55 ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 505—An Act to provide for the making of a certain map of the several counties of the State of California.

Also: Senate Bill No. 432—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1329 thereof, relating to the payment of expenses of witnesses in criminal cases.

Also: Senate Bill No. 45—An Act to amend Section 60 of Chapter CXXXIV of the Statutes of California, approved March 24, 1893, and entitled an Act to establish a uniform system of county and township governments.

Also: Senate Bill No. 511—An Act to amend Section 4161 of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relative to County Treasurer loaning public money or making general deposits.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 435—An Act to amend Section 3766 of the Political Code of the State of California, relating to the publication of the delinquent tax list—and recommend that it be withdrawn, as its provisions are incorporated in a pending measure.

Also: Senate Bill No. 510—An Act empowering the Board of Supervisors in each county of this State to correct any error made on the assessment of any property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 544—An Act to amend an Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, approved March 28, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Also: Assembly Bill No. 68—An Act relating to pension matters and claims against counties.

Respectfully report the same back, and recommend that they do not pass.

SMITH, Chairman.

Senate Bills Nos. 505, 432, 45, 511, 510, and 544, and Assembly Bills Nos. 57 and 68, ordered on file for second reading.

Senate Bill No. 435 withdrawn, and ordered stricken from the file.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 170—An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 580—An Act to enable all counties, incorporated towns or cities, or consolidated cities and counties of this State to use patented automatic voting or ballot machines at all elections therein—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 652—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON, Chairman.

Assembly Bill No. 170 and Senate Bills Nos. 580 and 652 ordered on file for second reading.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 16, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: I herewith return Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities—without my approval and with my objections thereto.

The amendment made by this bill to the existing laws governing municipalities of the class therein designated, adds to Section 3 the following words: "to purchase, lease, or construct waterworks and electric plants and all machinery, conductors, and appliances necessary therefor, and to supply such city with and to sell to the inhabitants thereof, water, light, heat, and power," etc., thus giving to the Board of Trustees of such city greatly increased powers.

I very seriously doubt the advisability of conferring upon Boards of Trustees the power, etc., "to purchase, lease, or construct waterworks and electric plants and all the machinery, conductors, and appliances necessary therefor," unless the proposition to so purchase, lease, or construct be submitted to the legal voters of such city at either a general or special election, and their approval of such proposition be given by such vote.

It will be recognized that, while this power is in some cases limited by the Constitution and by other sections of the law, still there are no limitations in the section itself; it is the latest expression of the legislative will upon the subject, and the other limitations might be often easily overcome by governing bodies.

The purpose of the Act—"to purchase, lease, or construct waterworks and electric plants, and all the machinery, conductors, and appliances necessary therefor"—is undoubtedly a most commendable one, but the extent of the cost should first be ascertained, and the question submitted to the people, as to whether they desire to so build, or purchase, or lease, and to assume the additional tax necessary for said purpose. A limitation on this section, by a proviso that the waterworks, electric plants, and all machinery, conductors, and appliances necessary therefor shall not exceed in price the sum of from \$10,000 to \$15,000, would undoubtedly relieve the bill of many of its objectionable features. If a further proviso were added that in all cases where the estimated cost and expense necessary for the purchase, lease, or construction of such plants, or the erection of such works, exceed said sums, the proposition should be submitted to the people for their votes, the Act would be further improved. Without such safeguards, it can easily be seen what temptations will be offered persons or corporations owning waterworks and electric plants to influence Trustees or Councilmen to purchase or lease said works or plants for the city at an extravagant cost, or upon conditions which the taxpayers who will have to pay for them would not sanction, and might vigorously oppose. To give the power conferred by this bill to Boards of Trustees or Councilmen without the express sanction of a vote of the people, who will have to meet the cost of the contemplated purchase or lease, is dangerous, and would prove unsatisfactory, and in many instances oppressive.

With the amendment suggested I can see no objection to the bill, and in such amended form would be pleased to see it become a law.

JAMES H. BUDD, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 16, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: I return herewith Senate Bill No. 138—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down and returning an exhibit of the products of the State of California at the Tennessee Centennial Exposition to be held in Nashville in 1897—without my approval and with my objections thereto.

I seriously doubt the advisability of expenditures of the character contemplated by this bill. Exhibitions of a similar nature to the Nashville Centennial Exposition are held with comparative frequency within the United States, and while their purpose is laudable, and their maintenance advantageous, a State appropriation to maintain an exhibition at each of them would result in a great aggregate expenditure, without a resulting general benefit.

I have but recently approved of an appropriation for the maintenance of an exhibition at Guatemala, but the cases are not parallel. Guatemala is a foreign country, new, and in process of rapid development. Her markets are in a receptive condition, ready to be appropriated by the most enterprising foreign countries. Our country is rich in the products which her people consume; her markets are convenient to our shores, and I believe it advisable that this State should expend a limited sum in the development of a market so convenient of access and so rich in its promise. The Nashville exposition, upon the contrary, is within the borders of a sister State, already familiar with our products and a purchaser of our commodities. That the consumption of the products of our soil and their sale may be promoted by this and similar exhibitions, I do not deny; but when we consider the frequency with which such exhibitions are held, that they are conducted by our own people, within the confines of our own country, and that to appropriate money to exhibit at one would establish a precedent for an appropriation for all, I feel constrained to withhold my consent to this bill.

We have heretofore appropriated \$300,000 for an exhibition of our various products and resources at Chicago, and \$10,000 for an exhibition at New Orleans. These exhibitions were international, and the conditions surrounding them were such as justified the expenditure. They resulted in advertising our resources within the limits of the United States to an extent which renders unnecessary the enactment of Senate Bill No. 138. The proposed exhibition at Nashville lacks the features which distinguished those at Chicago and New Orleans.

In view of the great expenses which appropriations similar to the one contemplated by this bill might ultimately entail, I am convinced that the general welfare will be best subserved by leaving to private enterprise the development of our domestic markets.

JAMES H. BUDD, Governor.

Referred to the Committee on Executive Communications and Nominations.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Braunhart: Senate Bill No. 705—An Act to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1873, by adding thereto a new section, to be known as Section 511½, relating to street railroad corporations.

Referred to the Committee on Corporations.

By Senator Bert: Senate Bill No. 706—An Act to confer power upon the Board of Supervisors, City Council, Board of Trustees, or other governing or legislative body of any town, city, city and county, or county in this State, to acquire, by condemnation or purchase, land or property for the laying out, opening, extending, widening, or straightening, in whole or in part, for a distance of five hundred feet, or less, of any road, highway, boulevard, street, square, lane, alley, court, or place, within any town, city, city and county, or county in this State.

Referred to the Committee on City, City and County, and Town Governments.

WITHDRAWAL OF BILL FROM COMMITTEE.

Senator Simpson asked unanimous consent to have Assembly Bill No. 496—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—withdrawn from the Committee on Judiciary, and have the same placed on special file of Assembly bills.

Consent granted.

Bill withdrawn from Committee on Judiciary, and ordered on file.

COMMUNICATION—(OUT OF ORDER).

Senator Androus presented the following resignation, which was read and accepted:

SACRAMENTO, CAL., February 15, 1897.

SENATOR SIMPSON, *Chairman Judiciary Committee*:

Please hand in my name, as I resign this day as Sergeant-at-Arms of Judiciary Committee.

C. H. CROCKER.

RESOLUTION—(OUT OF ORDER).

By Senator Androus:

Resolved, That R. A. May be and he is hereby appointed Sergeant-at-Arms of the Senate Committee on Judiciary, to fill the vacancy caused by the resignation of C. H.

Crocker, at the same per diem, and the Controller is hereby directed to draw his warrant on the State Treasurer to pay the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following account:

SACRAMENTO, January 31, 1897.

To Mrs. Mary Wells, Dr.:

To washing sixteen large roller towels each day of the session, from January 4th to January 31st, inclusive, \$12 50.

Note to Committee: Sixteen towels per day, for thirty-one days, would make a total of 496 towels—making less than fifty cents per day for such labor—which is but very little for such work; and I believe less expensive than if done by any laundry.

Yours respectfully,

MRS. MARY WELLS.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, and that the Controller be directed to draw his warrant upon the Contingent Fund of the Senate in favor of said Mrs. Mary Wells, in payment of the same, in the sum of \$12 50.

Also: The following bill of expenses of the committee sent to investigate the condition and wants of the Preston School, at Lone, as follows:

Four fares to and from Lone, at \$4 10.....	\$16 40
Hotel and incidental expenses	3 60
	<hr/> \$20 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, and that the Controller be directed to draw his warrant upon the Contingent Fund of the Senate in favor of Senator J. M. Gleaves, in payment of the expenses incurred in making said investigation, in the sum of \$20.

HOLLOWAY, Chairman.

The roll was called, reports of committee adopted, and the Controller directed to draw his warrants for the two amounts recommended, by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Dickinson, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, Linder, Luchsingier, Mahoney, Seawell, Shippee, Stratton, Toner, Trout, Withington, and Wolfe—26.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 102—An Act to provide for the sale of an excess of water when owned by a municipality.

Also: Senate Bill No. 265—An Act entitled "An Act to amend Section 3009 of the Political Code," relating to the appointment of officers and employes by the San Francisco Board of Health.

Also: Senate Bill No. 512—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to County, City, and City and County Boards of Election Commissioners.

Also: Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Also: Substitute for Senate Bill No. 169—An Act to require street railroads to provide guards for cars and dummies, and prescribe penalties.

Also: Substitute for Senate Bill No. 130—An Act to amend the Code of Civil Procedure by adding a new section, to be known as Section 730, relating to attorney's fees in suits for the foreclosure of mortgages.

JONES, Chairman.

Senate Bills Nos. 102, 265, 512, 29, Substitute for Senate Bill No. 169, and Substitute for Senate Bill No. 130, ordered on file for third reading.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds at San José, between Fifth and Sixth streets, in said city.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 290 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Bill passed on file, but to retain its place.

Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 140 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Prisk, Seawell, Simpson, Stratton, Toner, and Trout—26.

NOES—Senator Smith—1.

Title read and approved.

Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 370 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 93—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, and Wolfe—27.

NOES—None.

Title read and approved.

Substitute for Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Dwyer moved a call of the Senate, at eleven o'clock and twenty-six minutes A. M.

So ordered.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis.

The Secretary announced that Senators Aram, Dickinson, Henderson, Morehouse, Withington, and Wolfe were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring before the bar of the Senate the absentees.

At eleven o'clock and twenty-nine minutes A. M., Senators Withington and Morehouse were brought before the bar of the Senate.

On motion of Senator Simpson the Senators were excused for absence.

On motion of Senator Simpson, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President of the Senate announced that substitute for Senate Bill No. 65 was refused passage by the following vote:

AYES—Senators Bert, Boyce, Braunhart, Bulla, Feeney, Franck, Gillette, Hall, La Rue, Mahoney, Prisk, Seawell, Shine, Stratton, Toner, and Withington—16.

NOES—Senators Androus, Chapman, Denison, Doty, Dwyer, Flint, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Smith, Trout, and Voorheis—19.

NOTICE OF RECONSIDERATION.

Senator Dwyer gave notice that he would on next legislative day move a reconsideration of the vote whereby Substitute for Senate Bill No. 65 was refused passage.

THIRD READING OF BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 133—An Act to amend an Act entitled "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect and promote the horticultural interests of the State, approved March 14, 1881, approved March 19, 1889," approved March 31, 1891.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 133 passed by the following vote:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, and Wolfe—23.

NOES—None.

The following amendment to title was submitted by Senator Withington:

Amend by striking out title, and inserting in lieu thereof the following: An Act to amend Section 2 of an Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881.

Amendment adopted.

Bill ordered to reprint and reëngrossment.

Committee Substitute for Senate Bill No. 30—An Act to reduce the rates of fares on street railroads within the incorporated limits of municipal corporations of the first class, and to require the issuance of tickets, not exceeding sixty, at reduced rates, to any one person.

Bill passed on file, but to retain its place.

Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries.

Bill passed on file, but to retain its place.

Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

Bill passed on file, but to retain its place.

Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Bill passed on file, but to retain its place.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 74—An Act to protect all citizens in their civil and legal rights.

Bill passed on file, but to retain its place.

Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

Bill passed on file, but to retain its place.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, to provide the penalty therefor, and appropriating money to enforce the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 100, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 100 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 15, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. Your committee would recommend that the title be amended by striking out in line 2 the words "adopted March 11, 1872"; also, by striking out of line 3 the word "article," and inserting in place therefor the word "subdivision."

SEAWELL, for the Committee.

The following amendments to title were submitted by the committee:

Amend title by striking out in line 2 the words "adopted March 11, 1872."

Also: Strike out of line 3 of title the word "article," and inserting the following: "subdivision."

Amendments adopted.

On motion of Senator Dickinson, Senator Bert was appointed a special committee of one to amend Senate Bill No. 15 as follows:

Add to Section 2: "also one piano, one shotgun, and one rifle"; also, amend title by inserting, after "wages," "one piano, one shotgun, and one rifle, also typewriters and bicycles."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 15, with instructions to amend, respectfully reports the same back, amended as per instructions.

BERT, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 79—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 79, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 79 refused passage by the following vote:

AYES—Senators Androus, Bulla, Chapman, Denison, Dickinson, Gleaves, Jones, Mahoney, Pedlar, Simpson, Smith, Stratton, Trout, and Withington—14.

NOES—Senators Brauhart, Doty, Dwyer, Flint, Franck, Gillette, Hall, La Rue, Linder, Luchsinger, Prisk, Seawell, Shine, Shippee, Voorheis, and Wolfe—16.

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 491, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Doty, Senator Smith was appointed a special committee of one to amend the bill as follows:

Amend by inserting the following after line 11, Section 3553: "County Clerks and Sheriffs shall receive the fees provided by law for any services rendered by them."

Also: Amend by inserting the following after line 15, Section 3557: "*provided*, that the period of three years above mentioned shall not be considered as having lapsed until three years after the passage of this Act."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 491, with instructions to amend, respectfully report the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment, but to retain its place on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That R. A. May be and he is hereby appointed Sergeant-at-Arms of the Senate Committee on Judiciary, to fill the vacancy caused by the resignation of C. H. Crocker, at the same per diem, and the Controller is hereby directed to draw his warrant on the State Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—Senators Bulla and La Rue—2.

LEAVE OF ABSENCE.

Senators Voorheis, Prisk, and Shine were granted a leave of absence for to-morrow, to attend a miners' meeting in San Francisco.

RECESS.

At twelve o'clock and fifteen minutes P. M., the Senate took a recess until two o'clock P. M., on motion of Senator Voorheis.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

UNFINISHED BUSINESS—SECOND READING OF BILL.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

The time set for the consideration of Assembly bills having expired on yesterday while the following amendment was under consideration, it was taken up under the rules for further consideration:

By Senator Seawell:

Amend by striking out of Section 1, line 8, the word "fifteen," and inserting in lieu thereof the following: "twelve."

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Seawell, Gillette, and Doty.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Braunhart, Doty, Gillette, Holloway, Jones, Langford, La Rue, Luchsinger, Shippee, Smith, and Trout—11.

NOES—Senators Aram, Bert, Boyce, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gleaves, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Stratton, Toner, Withington, and Wolfe—22.

NOTICE OF RECONSIDERATION.

Senator Seawell gave notice that on next legislative day he would move a reconsideration of the vote whereby the above amendment to Assembly Bill No. 372 was this day refused adoption.

The following amendments were submitted:

By Senator Seawell:

Amend by striking out of Section 1, line 6, the word "three," and inserting in lieu thereof the following: "two."

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Bert, Bulla, and Gleaves.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Braunhart, Doty, Gillette, Holloway, Jones, La Rue, Luchsinger, Pedlar, Shippee, Smith, Trout, Voorheis, and Withington—13.

NOES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Langford, Linder, Mahoney, Morehouse, Seawell, Shine, Simpson, Stratton, and Toner—21.

NOTICE OF RECONSIDERATION.

Senator Seawell gave notice that on next legislative day he would move a reconsideration of the vote whereby the above amendment to Assembly Bill No. 372 was this day refused adoption.

Also: Amend by striking out of Section 1, line 7, the words "twenty-four," and inserting in lieu thereof the following: "eighteen."

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Boyce, Seawell, and Gillette.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Braunhart, Doty, Gillette, Holloway, Jones, Langford, La Rue, Luchsinger, Shippee, Smith, Trout, Voorheis, and Withington—13.

NOES—Senators Androus, Aram, Bert, Boyce, Bulla, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Linder, Mahoney, Pedlar, Seawell, Shine, Simpson, Stratton, Toner, and Wolfe—20.

NOTICE OF RECONSIDERATION.

Senator Seawell gave notice that on next legislative day he would move a reconsideration of the vote whereby the above amendment to Assembly Bill No. 372 was this day refused adoption.

By Senator Withington:

Amend by striking out of Section 1, line 8, the word "each," and inserting in lieu thereof the following: "one."

Amendment adopted.

Bill read second time, and ordered to print.

THIRD READING OF BILLS.

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

On motion of Senator Mahoney, the consideration of Assembly Bill No. 316 was made a special order for Thursday, February 18, 1897, at two o'clock P. M.

Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

Bill read third time.

On motion of Senator Luchsinger, Senator Flint was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 1, line 7, the following words, to wit: "except canvasback or bluebill."

Also: Strike out of Section 1, line 57, "or within."

Also: Strike out of Section 1, line 3, "fifteenth," and insert "first."

Also: In line 4, same section, strike out "February," and insert "March."

Also: Strike out of Section 1, line 4, "fifteenth," and insert "first."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 452, with instructions to amend, respectfully reports the same back, amended as per instructions.

FLINT, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file.

Assembly Bill No. 738—An Act to amend Sections 237, 245, 246, and 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employes of the Legislature.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 738, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senator Withington stated that the printed copy of Assembly Bill No. 738 erroneously shows it to have been amended in the Senate under special instructions, and moved that the Journal show that that was an error.

So ordered.

The roll was called, and Assembly Bill No. 738 passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Dickinson, Doty, Flint, Franck, Gillette, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—24.

NOES—Senators Aram, Bert, Denison, Feeney, Gleaves, and Mahoney—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Bill passed on file.

Assembly Bill No. 681—An Act concerning bridges across navigable streams.

Bill passed on file.

SECOND READING OF BILLS.

Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape and what constitutes the same.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in subdivision 4, Section 1, line 12, of the printed bill, after the word "great," the words "and immediate."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out in line 12, subdivision 1, Section 1, page 1, of the printed bill, the phrase commencing with the words "and by," and ending with the word "attached," in line 15, of said subdivision, on page 2, of said printed bill; also, by striking out in line 23, of subdivision 2, Section 1, page 2, of the printed bill, the phrase beginning with the words "and by," and ending with the word "property," in line 29, of said subdivision.

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property.

During the second reading of bill, the following amendment was submitted by Senator Withington:

Amend by substituting the following for the bill:

An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one hundred and seventy-two of the Civil Code is hereby amended so as to read as follows:

172. The husband has the management and control of the community property, and the absolute power of disposition, other than testamentary, of the personal property of the community; and in all cases of the conveyance or incumbrance of real property of the community the husband and wife shall join in said conveyance or incumbrance. In all cases where married men have heretofore conveyed real property, the wives or the heirs or assigns of said wives of said married men shall be barred, after one year from the date of the taking effect of this Act, from commencing or maintaining any action to show that said real property was conveyed as a gift, or without a valuable consideration.

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print.

THIRD READING OF BILL.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

Bill read third time.

On motion of Senator Bulla, Senator Stratton was appointed a special committee of one to amend bill as follows:

By striking out of line 2, Section 1, the words "the authority of any law of this State or under."

Also: By striking out all of Section 2, and by numbering Section 3 as Section 2.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 17, with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

SECOND READING OF BILLS.

Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 180, relating to the acceptance and holding of private deposits of moneys, or other valuables, in the county treasury by the County Treasurers.

Senator Dickinson moved that the bill be refused second reading.

The roll was called, and Assembly Bill No. 173 refused second reading by the following vote:

AYES—Senators Mahoney, Pedlar, Shippee, Smith, Stratton, Toner, and Withington—7.

NOES—Senators Androus, Aram, Bert, Braunhart, Denison, Dickinson, Doty, Dwyer, Flint, Gillette, Gleaves, Jones, La Rue, Linder, Luchsinger, Morehouse, Trout, and Wolfe—18.

Assembly Bill No. 418—An Act to amend Section 407 of the Code of Civil Procedure.

During the second reading of bill, the following amendment was submitted by Senator Morehouse:

Amend by striking out of Section 1, line 15, subdivision 3, the word "and," and inserting in lieu thereof the following: "or."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 251—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Bill read second time, and ordered on file for third reading.

MOTION.

Senator Dickinson moved that when the Senate adjourn this day, it do so at the afternoon session.

Motion carried.

SENATE GENERAL FILE—THIRD READING OF BILLS.

On motion of Senator Boyce, Committee Substitute for Senate Bill No. 471—An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education—was ordered to print, but bill to retain its place on file.

On motion of Senator Stratton, the following bills were ordered placed on third reading in general file, in the following order:

Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State and to make compensation to counties for the exemption of property from taxation.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 108, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 108 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 150—An Act to amend Section 1323 of the Code of Civil Procedure of the State of California, relating to the probate of foreign wills.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your committee on Rules and Revision have had under consideration Senate Bill No. 150, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 150 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Gillette, Cleaves, Hall, Holloway, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shippee, Stratton, Toner, Trout, and Wolfe—25.

NOES—Senator Withington—1.

Title read and approved.

WITHDRAWAL OF BILL.

Senator Hall asked unanimous consent to withdraw Senate Bill No. 508—An Act to amend an Act entitled "An Act appropriating \$40,000 for the purpose of the establishment and management of the Industrial Home for Mechanical Trades for the Adult Blind of the State of California," approved March 5, 1885, and to prescribe the duties of the officers thereof, and of the State officers in reference thereto.

Consent granted.

Bill withdrawn, and ordered stricken from the file.

INTRODUCTION OF BILL, ETC.—(OUT OF ORDER).

The following bill and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator Bert: Senate Bill No. 707—An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Braunhart: Senate Constitutional Amendment No. 35—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding a new section thereto, to be known as Section No. 5½, relating to consolidated city and county governments.

Referred to the Committee on Constitutional Amendments.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Jones:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of W. R. Porter, Assistant Minute Clerk of the Senate, for the sum of \$16, as payment for two days' services as Assistant Minute Clerk of the Senate, the object being to correct an omission in making up the list of attachés, by which he was not allowed for two days' services during the temporary organization of the Senate.

I hereby certify that W. R. Porter was actually employed and served as Assistant Minute Clerk during the two days as above named.

F. J. BRANDON, Secretary.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 654—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Also: Senate Bill No. 675—An Act to amend Section 1235 of the Penal Code of the State of California, relating to appeals in criminal cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SIMPSON, Chairman.

Senate Bills Nos. 654 and 675 ordered on file for second reading.

ADJOURNMENT.

At three o'clock and fifty-two minutes P. M., on motion of Senator Mahoney, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 17, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Monday, February 15, 1897, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 427—An Act to amend Section 681 of the Code of Civil Procedure of the State of California, relating to executions.

Also: Senate Bill No. 682—An Act to amend Section 348 of the Code of Civil Procedure, relating to the time in which actions can be brought to recover money or other property deposited with any bank, banker, trust company, or savings and loan society, or to recover any tax or impost, or to enforce any lien created to secure the payment thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 426—An Act to amend Section 580 of the Code of Civil Procedure of the State of California, relating to judgments.

Also: Senate Bill No. 578—An Act amending Section 671 and Section 674 of the Code of Civil Procedure of the State of California, approved March 12, 1872, relative to docketing judgments, and making the same a lien upon real property.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw the same.

Also: Senate Bill No. 425—An Act to amend Section 671 of the Code of Civil Procedure of the State of California, relating to judgment liens.

Also: Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 455—An Act to amend the Code of Civil Procedure, by adding thereto a new section, to be numbered Section 676, relating to conveyances under order of court.

Also: Assembly Bill No. 456—An Act to amend Section 691 of the Code of Civil Procedure.

Also: Assembly Bill No. 457—An Act to add a new section to the Code of Civil Procedure, to be known as Section 511 thereof, relating to dissolution of corporations.

Also: Assembly Bill No. 458—An Act to amend Section 868 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Also: Assembly Bill No. 23—An Act entitled an Act to amend Section 1575 of the Code of Civil Procedure.

Also: Assembly Bill No. 273—An Act to amend Section 170 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualification of judges, as amended by an Act approved March 23, 1893.

Also: Assembly Bill No. 454—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved March 23, 1880.

Also: Assembly Bill No. 460—An Act to amend Section 943 of the Code of Civil Procedure.

Also: Assembly Bill No. 459—An Act to amend Section 939 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 653—An Act concerning corporations and the formation thereof for certain purposes—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

SIMPSON, Chairman.

Senate Bills Nos. 427, 682, 425, and Substitute for Senate Bill No. 653, ordered on file for second reading.

Assembly Bills Nos. 622, 455, 456, 457, 458, 4, 14, 23, 273, 454, 460, and 459 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Simpson, by request of author, asked unanimous consent to withdraw Senate Bill No. 426—An Act to amend Section 580 of the Code of Civil Procedure of the State of California, relating to judgments.

Consent granted.

Senate Bill No. 426 withdrawn and ordered stricken from the file.

Senator Simpson asked unanimous consent to withdraw Senate Bill

No. 578—An Act amending Section 671 and Section 674 of the Code of Civil Procedure of the State of California, approved March 12, 1872, relative to docketing judgments, and making the same a lien upon real property.

Consent granted.

Senate Bill No. 578 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 632—An Act to provide for the examination of scaffolding, ropes, blocks, pulleys, and tackle used in the construction, repairing, or painting of buildings, and providing for the inspection thereof.

Also: Senate Bill No. 692—An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Finance.

DENISON, Chairman.

Senate Bills Nos. 632 and 692 re-referred to the Committee on Finance.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 51—An Act making an appropriation for reimbursing the County of Marin for moneys expended by it for the prosecution of crimes committed within the State Prison at San Quentin, and for inquests held over the bodies of convicts who have died within said prison—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same.

Also: Senate Bill No. 686—An Act making an appropriation to pay the claim of Theodore A. Bell—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 602—An Act for the payment of the claim of Julius Herzog, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that the committee believes that it has no authority in law to allow the same, and asks that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES—MINORITY REPORT.

The undersigned, a member of the committee, desires to file a minority report, and recommends that the bill do pass.

HALL, of the Committee.

Senate Bills Nos. 602 and 686 re-referred to the Committee on Finance.

WITHDRAWAL OF BILL.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 51—An Act making an appropriation for reimbursing the County of Marin for moneys expended by it for the prosecution of crimes committed within the State Prison at San Quentin, and for inquests held over the bodies of convicts who have died within said prison.

Consent granted.

Senate Bill No. 51 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 28—To amend Section 12 of Article XI of the Constitution—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 19—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, relative to the legislative department, by adding a section thereto, to be numbered 36—have had the same under consideration, and respectfully report the same back without recommendation.

BERT, Chairman.

Senate Constitutional Amendments Nos. 28 and 19 ordered on twelve-day file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 672—An Act to regulate the business of firms, persons, or corporations engaged in the business of furnishing gas to consumers for lighting and heating purposes.

Also: Senate Bill No. 693—An Act to amend Section 369 of the Civil Code, relating to the acquisition, holding, and disposition of corporate property.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 498—An Act to provide for investigation of fires by the insurance department, and to make provisions for the expenses of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DICKINSON, Chairman.

Senate Bills Nos. 672, 693, and 498 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 583—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor—and presented the same to the Governor on this day, at nine o'clock and forty-five minutes A. M.

JONES, Chairman.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 26—An Act to amend Section 15 of an Act entitled an Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 30, 1868, approved March 12, 1885.

Also: Assembly Bill No. 255—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to notice for bids for public work.

Also: Assembly Bill No. 476—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 566—An Act to provide a relief fund for injured and disabled firemen of the volunteer fire departments within incorporated cities and towns.

Also: Senate Bill No. 664—An Act to amend Section 855 of an Act entitled "Municipal Corporation Bill—An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 528—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on County Government and Township Organization.

Also: Senate Bill No. 683—An Act to create and regulate, in any city or city and county in this State, public warehouses—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 582—An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations, for the purpose of making, improving, and repairing roads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GILLETTE, Chairman.

Assembly Bills Nos. 26, 255, and 476, and Senate Bills Nos. 566, 664, 683, and 582 ordered on file for second reading.

Senate Bill No. 528 re-referred to the Committee on County Government and Township Organization.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 16th day of February passed the following:

Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off, or counter-claims, or the absence of such employe at the time of making payment; and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 16th day of February refused third reading to the following: Senate Bill No. 179—An Act to amend Section 581 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of civil actions.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 16th day of February concurred in the Senate amendment to Assembly Bill No. 134—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Also: Assembly Bill No. 21—An Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

Also: Assembly Bill No. 132—An Act to authorize any city or city and county of this State to take its census.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 16th day of February passed the following: Senate Bill No. 1—An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase

school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled an Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending Sections 1, 8, and 9 thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.

Also: Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

Also: Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and cities and counties, and providing for the duties and execution of the work of such specialist.

Also: Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 270—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 178—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as Section 1234.

Also: Senate Bill No. 275—An Act to amend Section 388 of the Civil Code of the State of California, relative to the sale of a franchise to collect tolls.

Also: Assembly Bill No. 245—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Also: Assembly Bill No. 246—An Act making an appropriation to pay the claim of James McClatchy & Co., publishers of the Bee, for advertising the constitutional amendments.

Also: Assembly Bill No. 248—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Also: Assembly Bill No. 336—An Act to authorize the Board of Fish Commissioners to dispose of the hatchery located on Battle Creek, in Tehama County, and to expend the proceeds of the same.

Also: Assembly Bill No. 108—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates, for the remainder of the forty-eighth fiscal year.

Also: Assembly Bill No. 104—An Act to amend an Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, approved March 28, 1872, amendatory of Section 25 thereof, relating to the construction of buildings.

Also: Assembly Bill No. 341—An Act relating to rights of way across mining claims.

Also: Assembly Bill No. 495—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

Also: Assembly Bill No. 113—An Act to repeal Section 415 of the Political Code of California, relative to the translation of the laws into Spanish, and their distribution.

Also: Assembly Bill No. 209—An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners.

Also: Assembly Bill No. 332—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Also: Assembly Bill No. 291—An Act supplementary to an Act entitled "An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site and erect thereon a suitable building or buildings for municipal purposes," approved March 27, 1895.

Also: Assembly Bill No. 607—An Act to amend Section 1670 of the Political Code.

Also: Assembly Bill No. 65—An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$75,000 therefor.

Also: On the 16th day of February concurred in the Senate amendment to Assembly Bill No. 453—An Act to amend Sections 1 and 3 of an Act amendatory of an Act entitled an Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining, approved March 13, 1874; April 23, 1880.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 269, 270, 178, 275, 1, 16, 28, and 268 ordered to enrollment.

Assembly Bill No. 45 read first time, and referred to the Committee on Labor and Capital.

Assembly Bills Nos. 209, 245, 246, 248, and 483 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 536 read first time, and referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

Assembly Bills Nos. 65 and 108 read first time, and referred to the Committee on Finance.

Assembly Bills Nos. 104, 495, and 607 read first time, and ordered on file without reference to committee.

Assembly Bill No. 341 read first time, and referred to the Committee on Mines, Drainage, and Mining Debris.

Assembly Bills Nos. 113 and 332 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 291 read first time, and referred to the San Francisco Delegation.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 30 (Committee Substitute)—An Act to reduce the rates of fares on street railroads within the incorporated limits of municipal corporations of the first class, and to require the issuance of tickets in packages, or strips, to be sold at the rate of eight tickets for twenty-five cents, and providing for the use of such tickets in payment of fares during certain hours of the day.

Also: Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

Also: Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Also: Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

JONES, Chairman.

Committee Substitute for Senate Bill No. 30, and Senate Bills Nos. 73, 77, and 332, ordered on file for third reading.

ON FORESTRY, YOSEMITE VALLEY, MARIPOSA BIG TREES, AND FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game, to whom was referred Senate Bill No. 656—An Act to amend the Penal Code of California, by adding a new section thereto, to be known as Section 626j, relating to game.

Also: Senate Bill No. 657—An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," as amended and approved March 27, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by the author, the provisions of the same being incorporated in another bill.

LUCHSINGER, Chairman.

INTRODUCTION AND FIRST READING OF BILL.

The following bill was introduced, read first time, and referred to committee as indicated.

By Senator Aram: Senate Bill No. 708—An Act to provide for the

organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands.

Referred to the Committee on Public and Swamp and Overflowed Lands.

RESOLUTION.

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That the State Printer be and he is hereby directed to print five hundred additional copies of Senate Bill No. 140.

Resolution adopted.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 16, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 60—An Act conferring power upon the governing body of cities of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

JAMES H. BUDD, Governor.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Dwyer moved a reconsideration of the vote whereby Substitute for Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—32.

NOES—senator Langford—1.

Substitute for Senate Bill No. 65 being again before the Senate for action.

On motion of Senator Flint, Senator Dwyer was appointed a special committee of one to amend as follows:

In Section 1, line 4, amended bill, strike out the word "three," and insert "five."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 65, with instructions to amend, respectfully reports the same back, amended as per instructions.

DWYER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

RECONSIDERATION.

Senator Gleaves asked that the Senate unanimously consent to reconsider the vote whereby Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and

designated as Section 180, relating to the acceptance and holding of private deposits of moneys, or other valuables, in the county treasury by the County Treasurers—was on yesterday refused second reading, and not as yet transmitted to the Assembly.

Unanimous consent granted, and the Secretary directed not to return the bill to the Assembly.

Senator Gleaves moved that the Senate reconsider the vote whereby Assembly Bill No. 173 was on yesterday refused second reading.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Aram, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—29.

NOES—None.

Assembly Bill No. 173 being again before the Senate for action, Senator Gleaves moved to amend the bill as follows:

By striking out of Section 1, lines 5, 6, and 7, the words "or any valuable thing whatever," and "or from any source not compelling him thereto by law."

Amendment adopted.

Bill read second time, and ordered to print.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Bill passed on file, but to retain its place.

Committee Substitute for Senate Bill No. 133—An Act to amend an Act entitled "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect and promote the horticultural interest of the State, approved March 14, 1881, approved March 19, 1889," approved March 31, 1891.

Bill passed on file, but to retain its place.

Committee Substitute for Senate Bill No. 30—An Act to reduce the rates of fares on street railroads within the incorporated limits of municipal corporations of the first class, and to require the issuance of tickets, not exceeding sixty, at reduced rates, to any one person.

Bill passed on file, but to retain its place.

Senate Bill No. 69—An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries.

The bill having been read a third time on a previous day, and the

Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 69 refused passage by the following vote:

AYES—Senators Bert, Braunhart, Dwyer, Hall, Henderson, Mahoney, and Seawell—7.
NOES—Senators Androus, Aram, Boyce, Bulla, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Stratton, Trout, Withington, and Wolfe—23.

Senate Bill No. 73—An Act to provide for a bond for the protection of laborers upon public work.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—30.

NOES—Senator Langford—1.

Title read and approved.

Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 77 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 74—An Act to protect citizens in their civil rights.

Senator Henderson asked unanimous consent to withdraw Senate Bill No. 74.

Consent granted.

Senate Bill No. 74 withdrawn, and ordered stricken from the file.

Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 332 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luch-

singer, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Trout, and Wolfe—28.

NOES—Senator Langford—1.

Title read and approved.

Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

Bill passed on file, but to retain its place.

Senate Bill No. 198—An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 198, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 198 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—28.

NOES—Senator Jones—1.

Title read and approved.

Senate Bill No. 246—An Act to amend paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 246, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. We recommend that the title be amended to read as follows: "An Act to amend Section 200 of the Code of Civil Procedure, by adding a new subdivision thereto, to be known as subdivision number 11, relating to exempting exempt firemen from jury duty."

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Toner, Withington, and Wolfe—27.

NOES—None.

Senator Seawell moved that the title be amended to read as follows:

An Act to amend Section 200 of the Code of Civil Procedure, by adding a new subdivision thereto, to be known as subdivision number 11, relating to exempting exempt firemen from jury duty.

Amendment to title adopted.

Title, as amended, read and approved.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 255—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

Bill read third time.

On motion of Senator Stratton, Senator Bulla was appointed a special committee of one to amend as follows:

By striking out of Section 1, lines 8 and 9, the word "whether," on line 8, and inserting in lieu thereof the word "when," and strike out of line 8, Section 1, the word "or," and on line 9, the word "not."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 255, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

Senate Bill No. 255 ordered to reprint and reengrossment.

Senate Bill No. 452—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Senator Simpson asked unanimous consent to withdraw Senate Bill No. 452 and substitute in lieu on file Senate Bill No. 285—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 79½, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.

Consent granted.

Senate Bill No. 452 withdrawn and ordered stricken from the file, and Senate Bill No. 285 substituted therefor on file.

Senate Bill No. 285—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 79½, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 285, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 285 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

Senator Simpson asked unanimous consent to withdraw Senate Bill No. 453.

Consent granted.

Senate Bill No. 453 withdrawn, and ordered stricken from the file.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

COMMUNICATION—(OUT OF ORDER).

Lieutenant-Governor William T. Jeter, President of the Senate, presented the following communication, which was read and ordered printed in the Journal:

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
SAN FRANCISCO, February 15, 1897. }

To the honorable President of the Senate, Senate Chamber, Sacramento, Cal.:

DEAR SIR: I have the honor to transmit a copy of a resolution adopted by the Board of Supervisors of the City and County of San Francisco, by a unanimous vote, at a meeting held on February 15, 1897, to which your attention is respectfully called.

Very respectfully,

JNO. A. RUSSELL, Clerk.

By H. C. FARQUHARSON, Deputy.

WHEREAS, An honest debt is never, nor can ever be outlawed among honorable men, nor fail of due recognition on the part of such;

Resolved, That it is the sentiment of this board that the pioneer, gratuitous, and eminently patriotic services of Professor J. C. Pelton, in the cause of popular education in this city and State, entitle him to the grateful consideration of the people of California, and further, in a practical way, to such generous legislation on the part of the Legislature now convened at Sacramento as shall by it be deemed just to him and creditable to the State of California; and further

Resolved, That the Legislature of California now convened be most respectfully, yet most earnestly, requested to make the matter hereof a consideration of urgent necessity, and earliest possible action; and further

Resolved, That the clerk of this board furnish copies in due form of the foregoing resolutions to the President of the Senate, the Speaker of the Assembly, and the Chairman of the San Francisco Delegation, requesting, in behalf of this board, that they give the subject-matter hereof their earnest attention and hearty support.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 141—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 141, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 141 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—26.

NOES—Senators Feeney, Gillette, Luchsinger, Mahoney, and Seawell—5.

Title read and approved.

Senate Bill No. 142—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

Bill read third time, and passed on file temporarily.

Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Bill passed on file temporarily.

Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

Bill passed on file temporarily.

Substitute for Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories, as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals, to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 182, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

On motion of Senator Dickinson. Senator Stratton was appointed a special committee of one to amend bill as follows:

Strike out all after the word "immediately," on line 8 of Section 5, down to and including the word "slaughter," on line 22 of same section.

Also: Strike out the word "five," on line 4 of Section 12, and insert in lieu thereof the words "twenty-five hundred."

Also: Strike out the figures "\$5,000," on line 4 of Section 12, and insert in lieu thereof "\$2,500."

Also: Strike out the word "twenty," on line 5 of Section 12, and insert in lieu thereof "ten."

Also: Strike out the figure "2," on line 6 of Section 12, and insert in lieu thereof the figure "1."

Also: Strike out of line 7 of Section 12 the word "twenty," and insert in lieu thereof the word "one."

Also: Strike out of line 7 of Section 12 the figure "2," and insert in lieu thereof the figure "1."

Also: Strike out of lines 8 and 9 of Section 12 the following words: "including compensation for cattle slaughtered under the provisions of this Act."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 182, with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

RECESS.

Pending action on the motion to adopt the report of the special committee of one, and amendments to bill, the hour of recess arrived, whereupon, at twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following report and resolution were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage recommend the adoption of the following resolution:

Resolved, That the Controller be directed to draw his warrant in favor of the Postal Telegraph Company for the sum of \$10 59, in payment for sending a telegram to Hon. George C. Perkins, concerning the India famine fund, the said sum to be paid out of the Contingent Fund of the Senate.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Bert, Braunhart, Bulla, Denison, Doty, Feeney, Franck, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—27.

NOES—None.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 71—An Act to enforce the prompt payment of the wages of laborers in lawful money of the United States of America—have had the same under consideration, and recommend that it do not pass.

Also: Senate Bill No. 168—An Act to establish and support a Department of Labor—have had the same under consideration, and recommend that it do pass.

Also: Senate Bill No. 25—An Act to define the duties and liabilities of employment agents—have had the same under consideration, and offer committee substitute, and recommend that it do pass.

MOREHOUSE, Chairman.

Senate Bills Nos. 71, 168, and Committee Substitute for Senate Bill No. 25, ordered on file for second reading.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

Bill passed on file, but to retain its place.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Bill passed on file, but to retain its place.

Assembly Bill No. 681—An Act concerning bridges across navigable streams.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 681, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions, so far as we can find.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 681 finally passed by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Bulla, Denison, Dickinson, Franck, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shippee, Simpson, Smith, Stratton, and Toner—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape and what constitutes the same.

Bill passed on file, but to retain its place.

Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property.

Bill passed on file, but to retain its place.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

Bill passed on file, but to retain its place.

Assembly Bill No. 418—An Act to amend Section 407 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 251—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 251, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

The title should be amended by striking out the words "An Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, by amending," and also strike out the word "thereof"; the words "of the Penal Code," should be inserted after the figures "397."

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 251 passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Withington—25.

NOES—None.

Senator Withington moved that the title to Assembly Bill No. 251 be amended as suggested in the report of the Committee on Rules and Revision, just read.

Motion carried.

Title, as amended, read and approved.

Bill ordered to print.

Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

The bill having been read a third time on a previous day, the roll was called, and Assembly Bill No. 22 passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Seawell, Shippee, Simpson, Smith, Stratton, Toner, and Withington—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Assembly Bill No. 120—An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements, for the University of California, by the levy of a rate of taxation and the creation of a fund therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

During the second reading of bill, the following amendments were submitted by the committee:

Amend Section 1 by adding after the word "and," on line 54, the words "open and."

Amendment adopted.

Also: Amend Section 1 by adding after the word "bids," on line 59, the following: "*and provided further*, that unless the bidder shall file with his bid a bond to such county, city and county, city, town, or district, with at least two good and sufficient sureties, to be approved by such board, or other governing or legislative body, in a penal amount to be by it prescribed, and set forth in the advertisement for bids, conditioned that such body shall well and truly observe, fulfill, and perform each and all of the terms, conditions, and obligations of such franchise, in case the same shall be awarded to him, and that in case of any breach of condition of such bond the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and

shall be recoverable from the principal and sureties upon said bond, no award of such franchise shall be made upon such bid, although the same may be the highest, but such franchise may be awarded to the next highest bidder who shall have complied with this proviso, or, in the discretion of such board or other governing or legislative body, all bids may be set aside and rejected, and new bids advertised for."

Amendment adopted.

Also: Amend by striking out the whole of Section 2, and inserting in lieu thereof Section 3 of printed bill, to be known and numbered as "Section 2."

Amendment adopted.

Also: Amend by striking out the whole of Section 3, and inserting in lieu thereof Section 4 of printed bill, to be known and numbered as "Section 3."

Amendment adopted.

Also: In line 48, Section 1, of printed bill, strike out the word "not."

Amendment adopted.

Also: In line 58, Section 1, of printed bill, insert the word "the" next after the word "that."

Amendment adopted.

Also: In line 6, Section 3, of printed bill, strike out the word "from" and insert the words "prior to."

Amendment adopted.

Also: Insert after the word "franchise," in line 12, of Section 3, of printed bill, the words "*and provided further, that on the application of the Mayor, or of a majority of the Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body above described, it shall be the duty of the Attorney-General to sue for a forfeiture of any franchise granted by such governing or legislative body, alleging in such suit non-compliance with the terms of the franchise.*"

Amendment adopted.

Also: Add a new section to said printed bill, to be known and numbered Section 4, and to read as follows:

Sec. 4. All franchises heretofore sold, awarded, or granted, by any Board of Supervisors, Common Council, or other governing body, of any city and county, city, or town in this State, under the provisions of an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting franchises," approved March 23, 1893, upon or containing a condition that the grantee or grantees, his or their assigns, shall pay a percentage of his or their gross receipts into the treasury of the said city and county, city, or town, and which said franchises have not been heretofore adjudged invalid by the courts of this State, are hereby confirmed and made valid.

Amendment lost.

Also: Renumber Sections 5 and 6 as follows: 4 and 5.

Amendment adopted.

Bill read second time, and ordered to print.

LAI D ON THE TABLE.

Senator Seawell called up his three notices given on yesterday for reconsideration of the votes whereby his three proposed amendments to Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court

and their salaries—were refused adoption, and moved that the motions to reconsider such votes be laid on the table.

Motion carried.

FINAL PASSAGE OF BILL.

Assembly Bill No. 12—An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.

The bill having been read a third time on a previous day, the question was on the final passage of the bill.

The roll was called, and Assembly Bill No. 12 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 68—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 170—An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 496—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Bill read second time, and ordered on file for third reading.

MESSAGE FROM THE GOVERNOR.

The following message was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 17, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 195—An Act to regulate medical practice, to prevent blindness in infants.

JAMES H. BUDD, Governor.

At three o'clock and fifteen minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

UNFINISHED BUSINESS.

When the hour for recess arrived this day, the question was on the adoption of the report of the special committee of one appointed to amend Substitute for Senate Bill No. 182—An Act to provide for the

inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals, to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor—as follows:

Strike out all after the word "immediately," on line 8 of Section 5, down to and including the word "slaughter," on line 22 of same section.

Also: Strike out the word "five" on line 4 of Section 12, and insert in lieu thereof the word "twenty-five hundred."

Also: Strike out the figures "\$5,000," on line 4 of Section 12, and insert in lieu thereof "\$2,500."

Also: Strike out the word "twenty," on line 5 of Section 12, and insert in lieu thereof "ten."

Also: Strike out the figure "2," on line 6 of Section 12, and insert in lieu thereof the figure "1."

Also: Strike out of line 7 of Section 12 the word "twenty," and insert in lieu thereof the word "one."

Also: Strike out of line 7 of Section 12 the figure "2," and insert in lieu thereof the figure "1."

Also: Strike out of lines 8 and 9 of Section 12 the following words: "including compensation for cattle slaughtered under the provisions of this Act."

The question being on the adoption of the report of the special committee of one and amendments. The ayes and noes were demanded by Senators Gillette, Mahoney, and Dickinson.

The roll was called, and the report of the special committee of one and amendments adopted by the following vote:

AYES—Senators Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Hall, Henderson, Holloway, Linder, Morehouse, Pedlar, Shippee, Simpson, Toner, Trout, Withington, and Wolfe—22.

NOES—Senators Feeney, Gillette, Jones, Luchsinger, Seawell, Smith, and Stratton—7.

On motion of Senator Dickinson, Senator Morehouse was appointed a special committee of one to amend bill as follows:

Add to Section 13 the following: "provided, that nothing herein shall in any manner affect the powers now possessed by any Board of Supervisors or Board of Health."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 182, with instructions to amend, respectfully reports the same back, amended as per instructions.

MOREHOUSE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 261, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 261 passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—25.

NOES—Senators Braunhart, Jones, Langford, Morehouse, and Pedlar—5.

Title read and approved.

Senate Bill No. 142—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 142, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—27.

NOES—Senators Gillette and Withington—2.

Title read and approved.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 14—Relative to the classification of clerks in first and second class post offices—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Joint Resolution No. 24—Relative to a bill to increase the salaries of letter carriers—have examined the same, and find it to be identical with Senate Joint Resolution No. 13, introduced February 3, by Senator Doty. This committee has heretofore favorably recommended Senate Joint Resolution No. 13. We find that the Assembly has acted in violation of Joint Rule XL by adopting Assembly Joint Resolution No. 24, as said rule fixes the time for consideration of joint resolutions to be during the twelve days preceding adjournment of the Legislature. We therefore recommend that said Assembly Joint Resolution No. 24 be returned to the Assembly, and their attention called to Joint Rule XL.

WOLFE, Chairman.

Senate Joint Resolution No. 14 ordered on twelve-day file.

That part of the report relative to Assembly Joint Resolution No. 24 adopted, and the Secretary directed to prepare a message to the Assembly, calling that body's attention to the irregular adoption of Assembly Joint Resolution No. 24.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 16, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 408—An Act to appoint a committee to locate a penitentiary at some point in San Diego, Riverside, San Bernardino, Orange, Los Angeles, Ventura,

Santa Barbara, San Luis Obispo, Tulare, Fresno, Kings, Kern, San Benito, or Inyo county—have had the same under consideration, and respectfully report the same back without recommendation.

MAHONEY, Chairman.

Senate Bill No. 408 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 485—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers in municipalities," approved March 18, 1885, and an Act amendatory thereof, approved March 31, 1891.

Also: Senate Bill No. 581—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Also: Senate Bill No. 650—An Act to amend Section 70 of "An Act to establish a uniform system of county and township governments," approved March 24, 1893.

Also: Senate Bill No. 651—An Act to authorize municipalities to accept donations of and to set apart portions of public streets or parks for statues, monuments, and fountains.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 661—An Act to amend Sections 955 and 956 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds.

Also: Senate Bill No. 662—An Act to amend Section 1056 of the Code of Civil Procedure of California, in relation to sureties upon official bonds.

Have had the same under consideration, and respectfully report the same back, and recommend the passage of the accompanying substitutes therefor.

MAHONEY, Chairman.

THE SAN FRANCISCO DELEGATION—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 485—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers in municipalities," approved March 18, 1885, and an Act amendatory thereof, approved March 31, 1891.

Also: Senate Bill No. 581—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BRAUNHART,
WOLFE,
BERT,
Of Committee.

Senate Bills Nos. 485, 581, 650, 651, 661, and 662 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 513—An Act to provide for the construction of a State highway, or wagon road, from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 228—An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall for attempted highway robbery.

Also: Assembly Bill No. 230—An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel Maguire for attempted highway robbery.

Also: Assembly Bill No. 231—An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery.

Also: Assembly Bill No. 235—An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.

Also: Assembly Bill No. 237—An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands.

Also: Assembly Bill No. 238—An Act making an appropriation to pay the claim of George A. Sturtevant, for costs of suits in foreclosing delinquent purchasers of State school lands.

Also: Assembly Bill No. 210—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy in conveying children to Whittier.

Also: Assembly Bill No. 212—An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners, from February 15, 1891, to March 21, 1891.

Also: Assembly Bill No. 218—An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard.

Also: Assembly Bill No. 223—An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan for attempted highway robbery.

Also: Assembly Bill No. 226—An Act making an appropriation to pay the claim of William Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Senate Bill No. 513, and Assembly Bills Nos. 228, 230, 231, 235, 237, 238, 210, 212, 218, 223, and 226, ordered on file for second reading.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 689—An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that the substitute therefor, prepared by this committee, do pass.

SHIPPEE, Chairman.

Substitute for Senate Bill No. 689 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 55—An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied—and presented the same to the Governor on this day, at two o'clock P. M.

JONES, Chairman.

RESOLUTION.

The following resolution was offered by Senator Denison:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to pay the following bills, as per vouchers:

February 2—F. G. Bell, locksmith	\$2 00
February 9—C. H. Rave, locksmith	2 25
Union Ice Company	14 00
Total	\$18 25

To Union Ice Co., Dr.: January 17—1,400 pounds of ice @ 1c	\$14 00
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To C. H. Rave, Dr.: January 27—Two door keys for rooms 55 and 56	\$1 00
February 4—Five desk keys	1 25
.....	\$2 25

To F. G. Bell, Dr.: Repairs on door lock, Sergeant-at-Arms' room	\$1 00
Repairs on door lock, room No. 59	1 00
.....	\$2 00

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Morehouse: Senate Bill No. 709—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Referred to the Committee on Finance.

Also: Senate Bill No. 710—An Act to amend Section 1222 of the Code of Civil Procedure of California.

Referred to the Committee on Judiciary.

Also: Senate Bill No. 711—An Act to amend Section 592 of the Code of Civil Procedure of the State of California, relating to trial of issues of fact in civil actions.

Referred to the Committee on Judiciary.

By Senator Gillette: Senate Bill No. 712—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable."

Referred to the Committee on Public and Swamp and Overflowed Lands.

By Senator Stratton: Senate Bill No. 713—An Act making an appropriation to pay the claim of James W. Travers, for advertising the constitutional amendments in the Alameda Daily Evening Encinal.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Linder: Senate Bill No. 714—An Act to amend Sections 1623, 1651, 1712, and 1713 of the Political Code of the State of California, relating to public schools.

Referred to the Committee on Education and Public Morals.

RESOLUTION—(OUT OF ORDER).

Senator Bulla offered the following resolution, and moved its adoption without being referred to a committee:

Resolved, That the name of Albert Searles be and it is hereby substituted to fill the place of History Clerk of the Senate in lieu of Albert Lindley, resigned, and that he be allowed the same per diem as allowed heretofore to said Lindley, and to be paid out of the Contingent Fund of the Senate.

POINT OF ORDER.

Senator Withington made the following point of order:

That under Rule XLVI, of the Standing Rules of the Senate, no claim can be paid out of the Contingent Fund of the Senate until the same had been reported on by the Committee on Attachés, Contingent Expenses, and Mileage.

The President pro tem. ruled the point of order well taken.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

On motion of Senator Bulla, the Committee on Attachés, Contingent Expenses, and Mileage was instructed to report forthwith on the resolution.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the name of Albert Searles be and it is hereby substituted to fill the place of History Clerk of the Senate in lieu of Albert Lindley, resigned, and that he be allowed the same per diem as allowed heretofore to said Lindley, and to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.
FEENEY.
HALL.
TROUT.
WITHINGTON.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—34.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Dickinson the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6—Relative to appointing a joint committee to examine into and report upon charges made by the Governor against the State Printer, etc.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

On motion of Senator Dickinson, the Senate proceeded to consider Assembly Concurrent Resolution No. 6.

Assembly Concurrent Resolution No. 6 was read, as follows:

ASSEMBLY CONCURRENT RESOLUTION No. 6.

Appointing Senators Dickinson, Gillette, and Seawell, members of the Senate, and Assemblymen Price, Dennery, and Caminetti, members of the Assembly, a joint committee of the Senate and Assembly to examine into and report upon the charges made by the Governor, relative to the management and conduct of the State Printer's office, in his message to the Assembly of February 9, 1897, setting forth his reasons for vetoing Assembly Bill No. 263, and to examine into and report upon the management and conduct generally of the Superintendent of State Printing of the business and affairs of the State Printing Office, and to examine into and to report upon the necessity for an appropriation for the support of and to carry on the business of the State Printing Office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose.

Resolved by the Assembly of the State of California, the Senate concurring, That Senators Dickinson, Gillette, and Seawell, members of the Senate, and Assemblymen Price, Dennery, and Caminetti, members of the Assembly, be and they hereby are appointed a joint committee of the Senate and Assembly to examine into and report upon all matters connected with or in any way pertaining to the charges and statements made by the Governor of this State relative to the management and conduct of the business and affairs of the State Printing Office, in his veto message to the Assembly of February 9, 1897, accompanying Assembly Bill No. 263, entitled "An Act making an appropriation for the support of the State Printing Office for the forty-eighth fiscal year"; and to examine into and report upon all matters and things in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office, and to examine into and report upon the necessity for an appropriation for the support of and to carry on the business of the State Printing Office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose, and to further report such legislative measures as may be deemed necessary to insure a strictly economical administration of the affairs of said State Printing Office.

Resolved, That said joint committee be, and it hereby is, authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; and that said joint committee be, and it hereby is, authorized and empowered to send for persons and papers, and to take all necessary means to pro-

cure the attendance of witnesses and testimony; and the members of said joint committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of article eight of chapter two, title one, part three, of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof," shall apply to the joint committee appointed under this resolution, and that the Sergeant-at-Arms of either the Senate or the Assembly is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by the Chairman of said joint committee, when directed to do so by the said Chairman.

There shall be two printing experts and two accountants employed by the said joint committee or commission, one printing expert to be named by the majority of said committee and one by the minority, and one accountant by the majority and one by the minority.

Senator Dickinson moved to amend by striking out all of the last paragraph, relating to experts and accountants.

Amendment adopted.

The roll was called, and Assembly Concurrent Resolution No. 6, as amended, adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Toner, Trout, Withington, and Wolfe—30.

NOES—None.

Assembly Concurrent Resolution No 6 ordered immediately transmitted to the Assembly.

ADJOURNMENT.

At four o'clock and twenty-two minutes P. M., on motion of Senator Mahoney, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 18, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 16, 1897, was approved.

LEAVE OF ABSENCE.

Senator Doty was granted a leave of absence for the day, on motion of Senator Franck.

COMMUNICATION.

Senator Voorheis presented the following communication, which was ordered printed in the Journal:

LOS ANGELES BOARD OF TRADE,
Los Angeles, February 11, 1897. }

J. J. CRAWFORD, Esq., *State Mineralogist, San Francisco, Cal.:*

DEAR SIR: At the regular monthly meeting of the Directors of the Los Angeles Board of Trade, held on the 9th inst., the following preamble and resolution were adopted unanimously, viz.:

WHEREAS, The California State Mining Bureau has performed valuable and efficient service, and there is every reason to believe that it will continue to do so; therefore, be it

Resolved, That the Los Angeles Board of Trade is in favor of the maintenance of the State Mining Bureau as it now exists, free and independent of other institutions, and hereby requests the Legislature of the State of California to support the California State Mining Bureau on these lines.

A copy of the above has been sent to all the Senators and Assemblymen from this section of the State.

I have the honor to remain,

Yours very truly,

GREGORY PERKINS, Jr., Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and also recommend that same be referred to the Committee on Finance after its return from the printer.

ARAM, Chairman.

Senate Bill No. 684 re-referred to the Committee on Finance.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 245—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Also: Assembly Bill No. 246—An Act making an appropriation to pay the claim of James McClatchy & Co., publishers of the Bee, for advertising the constitutional amendments.

Also: Assembly Bill No. 248—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that Senate Bills Nos. 231, 201, 202, and 68, being duplicates thereof, be withdrawn from the file.

BULLA, Chairman.

Assembly Bills Nos. 245, 246, 248, and 483 re-referred to the Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McInnes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Senate Bill No. 670 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 698—An Act to add a new section to the Political Code of California, to be known as Section 1476½, relating to the University Cadets of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

PEDLAR, Chairman.

Senate Bill No. 698 ordered on file for second reading.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Assembly Bill No. 114—An Act to provide for the publication of the State Blue Book, or Roster—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TROUT, Chairman.

Assembly Bill No. 114 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Senate Bill No. 507 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

Also: Senate Bill No. 680—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, to provide compensation for such services, and to distribute the moneys received on such claims.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 71—An Act to amend Section 4428 of the Political Code of the State of California, relating to the powers of Judges of Police Courts to call in Justices of the Peace to act in their place and stead.

Also: Assembly Bill No. 183—An Act to amend Section 690 of the Code of Civil Procedure, relating to exemptions from execution.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 668—An Act to amend Section 599 of the Civil Code, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation by corporations for purposes other than profit—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 677—An Act to amend Section 1618 of the Code of Civil

Procedure of California, relating to the salaries of Public Administrators—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

Senate Bills Nos. 647, 680, 668, and 677, and Assembly Bills Nos. 71 and 183, ordered on file for second reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1873, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

FRANCK, Chairman.

Senate Bill No. 405 ordered on file for second reading.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 15, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 323—An Act to amend Sections 332 and 342 of the Civil Code, relative to assessments and the sale of the stock of corporations—have had the same under consideration, and respectfully report the same back, without recommendation.

SHINE, Chairman.

Senate Bill No. 323 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 694—An Act to amend Section 1276 of the Code of Civil Procedure of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DICKINSON, Chairman.

Senate Bill No. 694 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Voorheis: Senate Bill No. 715—An Act to amend Section 953 of the Code of Civil Procedure, relating to records on appeals, and to the certification and transmission thereof.

Referred to the Committee on Judiciary.

By Senator Stratton: Senate Bill No. 716—An Act to provide for the establishing and maintenance of public lights in sanitary districts.

Referred to the Committee on Hospitals.

RESOLUTION.

The following resolution was offered by Senator Boyce:

Resolved, That C. S. MacMullan and Chauncey Clark be and they are hereby appointed Assistant Minute Clerk and Assistant Secretary of the Senate, respectively, with pay from January 10, 1897.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

BILL RE-REFERRED.

Senator Withington asked unanimous consent to have Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith—re-referred to the Committee on Judiciary.

So ordered.

Senate Bill No. 314 re-referred to the Committee on Judiciary.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Bill passed on file, but to retain its place.

Committee Substitute for Senate Bill No. 133—An Act to amend an Act entitled "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect and promote the horticultural interests of the State, approved March 14, 1881, approved March 19, 1889," approved March 31, 1891.

Bill passed on file, but to retain its place.

At eleven o'clock and eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

PETITION—(OUT OF ORDER).

Senator Mahoney presented the following petition, which was ordered printed in the Journal:

To the honorable the members of the California Legislature:

GENTLEMEN: We, the undersigned, employés of the various street railroads in operation within the limits of the City and County of San Francisco, respectfully represent as follows:

That fully five thousand men are at present in the employ of the various street railroads within this city and county.

That the wages paid to employés by the controlling corporations are barely sufficient to supply the necessities of life, under present conditions, especially to those who have families dependent upon them.

That the measure now under consideration by your honorable body, whereby it is proposed to reduce the rates of fares on street cars, is detrimental to the interest and welfare of every street railroad employé, inasmuch as the passage of such a measure would entail a corresponding reduction in the scale of wages paid to employés by the various companies; and,

Finally, believing that such would be the result, we therefore humbly petition your honorable body to reject this, and any such measure that may be presented for your consideration.

(Signed:)

W. C. Carpenter, Frank Bell, G. A. Grimes, and 2,500 others.

THIRD READING OF BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 30—An Act to reduce the rates of fares on street railroads within the incorporated limits of municipal corporations of the first class, and to require the issuance of tickets, not exceeding sixty, at reduced rates, to any one person.

The bill having been read third time on a previous day, the question was on passage of the bill.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 30, have examined the same, and report that the object cannot be secured under existing laws; and the same is correct in text and reference, except that the same is unconstitutional.

DICKINSON, for the Committee.

The roll was called, and Substitute for Senate Bill No. 30 refused passage by the following vote:

AYES—Senators Braunhart, Dwyer, Hall, La Rue, Seawell, and Toner—6.

NOES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—33.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 11, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Bulla, Senator Beard was appointed a special committee of one to amend bill as follows:

By striking out all of Section 7, on pages 2 and 3, and renumber Sections 8, 9, 10, and 11.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

BEARD, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor

of W. R. Porter, Assistant Minute Clerk of the Senate, for the sum of \$16, as payment for two days' services as Assistant Minute Clerk of the Senate, the object being to correct an omission in making up the list of attachés, by which he was not allowed for two days' services during the temporary organization of the Senate.

I hereby certify that W. R. Porter was actually employed and served as Assistant Minute Clerk during the two days as above named.

F. J. BRANDON, Secretary.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Trout, Voorheis, and Wolfe—31.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following report and resolution:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred in the contested election case of John Tyrrell vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestee, Sidney Hall:

Attorney's fee, Garrett W. McEnery \$200 00

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred by the contestant, D. J. McCarthy, in the contested election case of D. J. McCarthy vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, D. J. McCarthy:

Fees of County Clerk and Sheriff.....	\$7 50
Witness fees, 48 witnesses.....	50 00
Subpoenaing 61 witnesses.....	20 00
Stenographer's fees, Ernest J. Mott, 2 days.....	20 00
Transcript of testimony.....	75 00
Justice's fees.....	10 00
Attorney fee, Henry Dibble, Jr.....	100 00
Total.....	\$282 50

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses of the contestant, M. J. Welch, Jr., incurred in the contested election case of M. J. Welch, Jr., vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, M. J. Welch, Jr.:

Fees of County Clerk, Sheriff, and witnesses.....	\$100 50
Fees of Justices G. W. F. Cook and J. E. Barry.....	35 00
Fees of J. A. Vaughan, stenographer, 9 days.....	90 00
Transcript of testimony, 1,500 folios.....	300 00
Attorney's fee, Martin Stevens.....	100 00
Total.....	\$625 50

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred by Sidney Hall, in the contested election case of M. J. Welch, Jr., vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consider-

ation, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestee, Sidney Hall:

Witness fees.....	\$20 00
Watcher of ballots during recount.....	20 00
Attorney fee, Garrett W. McEnerny.....	200 00
Total.....	\$240 00

Also: SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred in the contested election case of Thomas W. Chandler vs. John Feeney, for the seat in the Senate from the Twenty-fifth Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, Thomas W. Chandler:

Court costs and expenses.....	\$11 00
Witness fees.....	96 40
Serving subpoenas, and mileage.....	50 00
Attorney fee, Frank Powers.....	100 00
Total.....	\$257 40

Also: SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred in the contested election case of Thomas W. Chandler vs. John Feeney, for the seat in the Senate from the Twenty-fifth Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestee, John Feeney:

Ernest J. Mott, stenographer, 4 days.....	\$40 00
Transcript of testimony, 288 folios.....	50 00
Fees of Justices G. W. F. Cook and J. E. Barry.....	20 00
Attorney fees, Garrett W. McEnerny.....	200 00
Total.....	\$310 00

Also: SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the expenses incurred by the contestant, John Tyrrell, in the contested election case of John Tyrrell vs. Sidney Hall, for the seat in the Senate from the Twenty-third Senatorial District of the State of California, beg leave to report that they have had the same under consideration, and fully investigated the same, and therefore recommend that the following expenses be allowed the contestant, John Tyrrell:

Witness fees, 18 witnesses.....	\$36 00
Subpoenaing witnesses.....	9 00
Stenographer's fees, S. L. Conlan, 9 days' attendance, and transcript of testimony, 1,599 folios.....	350 00
Costs, filing contest, Sheriff's and Notary's fees.....	8 30
Fees of Justices G. W. F. Cook and J. E. Barry.....	30 00
Attorney fee of Messrs. Ruef and Dinkelspiel.....	100 00
Total.....	\$532 30

Also: SENATE CHAMBER, SACRAMENTO, February 12, 1897.

MR. PRESIDENT: Your Committee on Elections report that the expenses of the recount of the ballots in the contested election cases of M. J. Welch, Jr. vs. Sidney Hall, John Tyrrell vs. Sidney Hall, and D. J. McCarthy vs. Sidney Hall, from the Twenty-third Senatorial District, are as follows:

J. C. Bunner, W. L. Arlett, and Charles Fawcett, clerks, \$25 each.....	\$75 00
Robert Mitchell, caller.....	25 00
Felix Dolan, stringer.....	25 00
Miss Ida Woodworth, stenographer, 4 days.....	40 00
Transcript of testimony, 141 folios, at 20 cents.....	21 15
Four copies of testimony, at 5 cents per folio.....	28 20
Alexander McCabe, J. C. Jones, Abraham Friedlander, and James Kidney, clerks representing contestants and contestee, \$10 each.....	40 00
Service of citation on Registrar of Voters and Deputy Registrar of Voters, and mileage.....	36 60
W. M. Hinton, expressage on ballots from San Francisco, and return.....	20 10
James C. Reynolds, Deputy Registrar, guarding ballots and mileage.....	28 00
Guy Hinton, Deputy Registrar, guarding ballots and mileage.....	39 25
L. J. Welch, Deputy Registrar, guarding ballots and mileage.....	49 50
Total.....	\$427 80

Also :

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following named persons, and in the amounts set opposite their names, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same:

F. S. Stratton, as Chairman Election Committee.....	\$427 80
A. Ruef.....	532 30
Garrett W. McEnery.....	220 00
Ernest J. Mott.....	90 00
Frank Powers.....	257 40
Sidney Hall.....	240 00
Martin Stevens.....	625 50
Henry Dibble, Jr.....	282 50
Garrett W. McEnery.....	200 00

Have had the same under consideration, and respectfully report the same back, and recommend that the said report and resolution be returned to the Committee on Elections for their reconsideration.

HOLLOWAY, Chairman.

Report re-referred to the Committee on Elections.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed: Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Senate Bill No. 524—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Also: Senate Bill No. 541—An Act to amend an Act entitled "An Act concerning the waterfront of the City and County of San Francisco," approved March 15, 1878.

JONES, Chairman.

Senate Bills Nos. 417, 483, 524, and 541 ordered on file for third reading.

RECESS.

On motion of Senator Withington, at twelve o'clock and twenty minutes p. m., the Senate took a recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

SPECIAL FILE—ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes p. m.)

Assembly Bill No. 316—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

The bill having been refused passage on a previous day, and the vote

thereon having been reconsidered, the question was on the final passage of the bill.

The roll was called, and Assembly Bill No. 316 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Prisk, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Voorheis—29.

NOES—Senator Luchsinger—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*. and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the final passage of the bill.

The roll was called, and Assembly Bill No. 452 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Bill passed on file temporarily, but to retain its place.

Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape, and what constitutes the same.

Bill passed on file, but to retain its place.

Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property.

Bill passed on file, but to retain its place.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

Bill passed on file, but to retain its place.

Assembly Bill No. 418—An Act to amend Section 407 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 251—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

Bill passed on file, but to retain its place.

Assembly Bill No. 120—An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements, for the University of California, by the levy of a rate of taxation and the creation of a fund therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 120, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 120 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—37.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

Bill passed on file, but to retain its place.

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill passed on file, but to retain its place.

Assembly Bill No. 68—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill passed on file, but to retain its place.

Assembly Bill No. 170—An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.

Bill passed on file, but to retain its place.

Assembly Bill No. 496—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 496, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 496 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Holloway, Jones, Langford, Linder, Luchsinger, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—28.
NOES—Senators Gillette and Mahoney—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out all of the preamble of the printed bill, pages 1, 2, and 3.

Amendment adopted.

Also: Amend by striking out all of Section 2, page 5, of the printed bill, after line 3, and in lieu thereof insert the following: "management and control of the State by a board of nine directors, to be appointed by the Governor, five of whom shall be appointed for the period of four years, and four of whom shall be appointed for the period of two years, as the terms of office of the directors so to be appointed expire; and in case of a vacancy sooner, the Governor shall appoint their successors, who shall each serve for the period of four years thereafter, except that in the event of a vacancy, then the appointee shall only serve for the unexpired period."

Amendment adopted.

Also: Amend by striking out on page 9 of the printed bill, Section 11, and renumbering the sections.

Amendment adopted.

Also: Amend by striking out of Section 1, page 3 of the printed bill, in lines 2 and 3, the words "on the conditions hereinbefore stated in the preamble hereto."

Amendment adopted.

By Senator Simpson:

Amend the amendment by striking out the word "nine," and inserting the word "eleven," and also strike out the word "five," and insert "six," and strike out the word "four," and insert "five."

Amendment adopted.

Also: Amend Section 5 by striking out of line 27, of Section 5, the word "provided," and also strike out all of lines 28 and 29 of Section 5.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 455—An Act to add a new section to the Code of Civil Procedure, to be known as Section 676 thereof, relating to conveyances under order of court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 456—An Act to amend Section 691 of the Code of Civil Procedure.

Bill read second time.

Senator Simpson moved that Assembly Bill No. 456 be refused third reading.

Motion carried, and Assembly Bill No. 456 ordered stricken from the file.

Assembly Bill No. 457—An Act to add a new section to the Code of Civil Procedure, to be known as Section 811 thereof, relating to dissolution of corporations.

Senator Simpson moved that Assembly Bill No. 457 be refused second reading.

Motion lost.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 458—An Act to amend Section 868 of the Code of Civil Procedure.

Senator Simpson moved that Assembly Bill No. 458 be refused second reading.

Motion carried, and Assembly Bill No. 458 ordered stricken from the file.

Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights.

During the second reading of bill, the following amendments were submitted:

By Senator Seawell:

Amend by striking out all after the words "Sec. 3," on page 2, and insert the following: "Whoever, other than a colored person, being in any restaurant, hotel, eating-house, barber shop, theater, skating-rink, or other place of amusement, shall remove in order to avoid close contact with a colored person, or in any manner act offensively to such person on account of color, or who shall manifest a disposition to avoid the society of such colored person, or offer to him any indignity whatever because of his race, color, or previous condition, shall be deemed guilty of aiding the discrimination provided for in section two of this Act, and upon conviction thereof shall be punished as prescribed in section two hereof."

Amendment lost.

By Senator Luchsinger:

Amend by striking out of Section 4, line 1, the word "immediately," and inserting the words "sixty days."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

During the second reading of bill the following amendment was submitted by the committee:

Amend by striking out of line 31, Section 1, page 2, of the printed bill, the words "& etc."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 23—An Act entitled an Act to amend Section 1575 of the Code of Civil Procedure.

During the second reading of bill the following amendment was submitted by the committee:

Amend by striking out in the title the words "entitled an Act"; also, amend by adding the word and figure "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 273—An Act to amend Section 170 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualification of Judges, as amended by an Act approved March 23, 1893.

During the second reading of bill, the following amendment was submitted by the committee:

Amend the title so as to read: "An Act to amend section one hundred and seventy of the Code of Civil Procedure."

Amendment adopted.

Bill read second time, and ordered to print.

THIRD READING OF SENATE BILLS.

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands, and the foreclosure of delinquent purchasers thereof.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 491 passed by the following vote:

AYES—Senators Aram, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

Title read and approved.

Senate Bill No. 95—An Act entitled "An Act to provide for the inheriting of community property by a married woman, upon the death of the husband intestate."

Bill read third time.

The following reports of the Committee on Rules and Revision were received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred Senate Bill No. 95, with instructions to report the substance thereof as an amendment to the Codes, do report as follows: Your committee has considered the matter, and report the same back without performance of the direction of the Senate, for the following reasons: The incorporation of the rule of succession in the bill would necessitate the change of so many provisions of the Civil Code and the Code of Civil Procedure that with the limited time at our disposal it is impossible for us to make the necessary changes to harmonize the existing law with the changes proposed in the bill. The work of presenting the amendments that this bill would necessitate in the Codes is entirely too vast for a Senate committee.

Also: Have had under consideration Senate Bill No. 95, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 95 refused passage by the following vote:

AYES—Senators Bulla, Chapman, Doty, Franck, Langford, La Rue, Seawell, and Smith—8.

NOES—Senators Androus, Aram, Beard, Boyce, Braunhart, Denison, Dickinson, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

Bill passed on file, but to retain its place.

Senate Bill No. 246—An Act to amend paragraph 11. Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty.

Bill passed on file, but to retain its place.

Senate Bill No. 255—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

Bill passed on file, but to retain its place.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 249, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 249 refused passage by the following vote:

AYES—Senators Beard, Boyce, Chapman, Denison, Dickinson, Gleaves, Jones, Morehouse, Seawell, and Simpson—10.

NOES—Senators Andrus, Aram, Brauhart, Bulla, Doty, Feeney, Flint, Franck, Gillette, Holloway, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Smith, Stratton, Trout, Voorheis, and Withington—21.

NOTICE OF RECONSIDERATION.

Senator Stratton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 249 was this day refused passage.

STATEMENT.

The following statement was presented and ordered printed in the Journal:

MR. PRESIDENT: My attention is called by the decorations around the desk of the President of the Senate to the fact that during my absence Assembly Bill No. 120—"An Act to provide additional support and maintenance, etc., for the University of California"—has been passed by the Senate. As I have, in the Finance Committee, in the Senate, and elsewhere, strongly advocated this bill, and opposed all amendments to it, I should like very much to have my vote recorded in favor of its passage. But as you have ruled that under the rules this cannot be done, I ask permission to have this statement entered on the Journal of the Senate so that I may go on record as in favor of liberal State contributions to this magnificent institution of learning, of which we, as Californians, are so proud.

E. I. WOLFE.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 18th day of February, refused to concur in the Senate amendment to Assembly Concurrent Resolution No. 6, appointing Senators Dickinson, Gillette, and Seawell, members of the Senate, and Messrs. Price, Dennery, and Caminetti, members of the Assembly, a joint committee of the Senate and Assembly to examine into and report upon the charges made by the Governor relative to the management and conduct of the State Printer's office, in his message to the Assembly of February 9, 1897, setting forth his reasons for vetoing Assembly Bill No. 263, and to examine into and report upon the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office, and to examine into and report upon the necessity for an appropriation for the support of and to carry on the business of the State Printing Office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose, and the Assembly most respectfully requests your honorable body to recede from its amendment to said resolution.

Also: On the 17th day of February concurred in the Senate amendment to Assembly Bill No. 738—An Act to amend Sections 237, 245, 246, and 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employés of the Legislature.

Also: On the 18th day of February concurred in the Senate amendment to Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: On the 17th day of February, passed the following: Assembly Bill No. 863—An Act for the relief of the State Printing Office, and making an appropriation to pay the deficiency for the current fiscal year that may be found to exist in the appropriation for the support of said printing office for the said year, at the date of the approval of this Act.

Also: Assembly Bill No. 864—An Act making an appropriation for the support of the State Printing Office for the remainder of the forty-eighth fiscal year.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Concurrent Resolution No. 6 referred to the Committee on Executive Communications and Nominations, with instructions to report back on the same to-morrow.

Assembly Bills Nos. 863 and 864 read first time, and referred to the Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

The following report was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate bills as follows:

Senate Bill No. 1—An Act to amend an Act to enable school districts in cities of the fifth class to issue bonds, and to repeal an Act to enable cities of the fifth class to issue bonds for school purposes, approved March 23, 1893.

Also: Senate Bill No. 16—An Act to appropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California in San Francisco.

Also: Senate Bill No. 28—An Act to add a new section to the Political Code, to be known and designated as Section 1889½, relating to the authorization and employment of a specialist in sociological education in counties, and cities and counties, and providing for the duties and execution of the work of such specialist.

Also: Senate Bill No. 178—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as Section 1234.

Also: Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 269—An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 270—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 275—An Act to amend Section 388 of the Civil Code of the State of California, relative to the sale of a franchise to collect tolls.

And presented the same to the Governor on this day, at three o'clock and thirty minutes P. M.

JONES, Chairman.

RESOLUTION—(OUT OF ORDER).

Senator Mahoney offered the following resolution:

Resolved, That the Chairman of the Committee on State Prisons and Prison Buildings be and he is hereby authorized and empowered to appoint such members as he may deem necessary to visit such prisons and prison buildings, and report the condition and needs thereof to this Senate, and they shall, each of the members of said committee so appointed, be allowed their actual expenses, in lieu of mileage, as heretofore.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator Dwyer: Senate Bill No. 717—An Act to provide the mode for changing grades of public streets, lanes, alleys, courts, and places, within municipalities in the State of California.

Referred to the Committee on City, City and County, and Town Governments.

By Senator Morehouse: Senate Bill No. 718—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down and returning, an exhibit of the products of the State of California at the Hamburg Horticultural Exposition, to be held at Hamburg, Germany, in 1897, and to provide for a commission, secretary of a commission, and the pay of the secretary thereof.

Referred to the Committee on Finance.

Also: Senate Constitutional Amendment No. 36—Proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to the framing of charters for cities containing a population of more than three thousand five hundred inhabitants.

Referred to the Committee on Constitutional Amendments.

RECESS.

On motion of Senator Voorheis, the Senate took a recess at four o'clock and twenty-five minutes P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Luchsinger, Morehouse, Seawell, Simpson, Smith, Stratton, Trout, Voorheis, and Withington.

Quorum present.

LEAVE OF ABSENCE.

Senator Androus asked for and was granted a leave of absence for the remainder of the day.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FORESTRY, YOSEMITE VALLEY, MARIPOSA BIG TREES, AND FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game, to whom was referred Assembly Bill No. 536—An Act to authorize the Board of Fish Commissioners to dispose of the hatchery located on Battle Creek, in Tehama County, and to expend the proceeds of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Assembly Bill No. 536 ordered on file for second reading.

MOTION.

On motion of Senator Bulla, the Senate proceeded to consider Senate bills on second-reading file.

SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill passed on file, but to retain its place.

Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 196—An Act to amend Section 340 of the Penal Code of California, relating to pawnbrokers.

Bill passed on file, but to retain its place.

Senate Bill No. 393—An Act to amend Sections 1817 and 1818 of the Political Code, relating to the public schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

LEAVE OF ABSENCE.

On motion of Senator Withington, a leave of absence was granted the Committee on Irrigation and Water Rights for one hour.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 516—An Act to amend Section 1885 of the Political Code of the State of California, relating to form of bonds, when payable.

During the second reading of bill, the following amendment was submitted by Senator Flint:

Amend by adding before the words "the Board," in line 3, printed bill, the words "Section 1885."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 391—An Act to prohibit the keeping, maintaining, and employing the device known as "nickel-in-the-slot machine," or other similar device or devices for the hazarding of any money, or for the disposal of, or promise to dispose of, any liquor, cigars, or other commodities, or any valuable article or thing of whatsoever nature.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend as follows: In line 8 of Section 1, printed bill, strike out the words "or any valuable article or thing of whatsoever nature."

Amendment adopted.

Also: In line 12 of Section 1, printed bill, after the word "devices," insert the words "for any such purpose or purposes."

Amendment adopted.

By Senator Braunhart:

Amend Section 1 by striking out all the words after the word "knowingly," in line 12, and inserting the following: "and willfully permit the manipulation of such nickel-in-the-

slot machine, or such device or devices, for the purpose of fraudulently obtaining from another person money or property of any description, shall be punished as in case of larceny of property of like value."

Amendment lost.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 484—An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 534—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 535—An Act to add a new section to the Penal Code, to be designated as Section 354¾, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 60 of said Code.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 365—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of Section 1, page 1 of printed bill, except the word "section" and the figure "1," at beginning of said section, and inserting in lieu thereof the following: "It shall be lawful for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator, or other fiduciary, or party of whom a bond, undertaking, or other obligation is required, to agree and arrange with his surety or sureties for the deposit for safe-keeping of any or all money, assets, and other property for which he is or may be responsible, with a bank, savings bank, safe-deposit or trust company, authorized by law to do business as such, and in such manner as to prevent the withdrawal or alienation of such money, assets, or other property, or any part thereof, without the written consent of such surety or sureties, or an order of the court, or a judge thereof, made on such notice, to such surety or sureties, as the court or judge may direct."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 506—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "heretofore or," line 6, Section 1, page 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 533—An Act authorizing municipal authorities to designate and set apart streets, and portions of streets, as boulevards, and restricting the power to grant franchises upon streets so designated and set apart.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting at the beginning of line 1, page 1, of printed bill, the following: "Section 1": also, at beginning of line 17, page 1, of printed bill, the following: "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 503—An Act to amend an Act entitled an Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act, approved March 25, 1893.

During the second reading of bill, the following amendments were submitted:

By Senator Androus:

Amend by striking out of Section 1, lines 18 and 19, printed bill, the words "the total amount of the bonds of the district issued and sold before," and inserting the following: "there is any existing bonded indebtedness at the time of."

Amendment adopted.

Also: Amend by adding the following section to the Act:

SEC. 2. This Act shall take effect and be in force on and after its passage.

Amendment adopted.

By the committee:

Amend by striking out of Section 1, lines 20, 21, 22, and 23, printed bill, the words "exceeds two fifths of the total assessed valuation of all the real property in the district, according to the last assessment roll of the county, before the organization of the district."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

The following constitutional amendment was introduced:

By Senator Dickinson: Senate Constitutional Amendment No. 37—Relative to the judiciary.

Referred to the Committee on Judiciary.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin to connect with a road called "Tioga Road," at or near the "Tioga Mine."

Bill re-referred to the Committee on Finance, but to retain its place on file.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

During the second reading of bill, Senator Gleaves offered the following as a substitute for the bill, and moved its adoption:

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 343, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 343 of the said Political Code is hereby amended so as to read as follows:

Section 343. The number and designation of the civil executive officers are as follows: Governor, a Private Secretary for the Governor, who is ex officio Clerk of the Board of Examiners; an Executive Secretary for the Governor, a Lieutenant-Governor, a Secretary of State, a Deputy Secretary of State, a Bookkeeper for the Secretary of State, two Recording Clerks for the Secretary of State, a Controller, a Deputy Controller, a Bookkeeper for the Controller, three Clerks for the Controller, a Treasurer, a Deputy Treasurer, a Clerk for the Treasurer, an Attorney-General, a Deputy Attorney-General, a Surveyor-General, who shall be ex officio Register of the State Land Office; a Deputy Surveyor-General, one Clerk for the Surveyor-General, two Clerks for the Register, a Superintendent of Public Instruction, a deputy for the Superintendent of Public Instruction, one Clerk for the Superintendent of Public Instruction, a Superintendent of State Printing, an Inspector of Gas Meters, a Vaccine Agent, a Commissioner of Immigration, an Insurance Commissioner, a deputy for the Insurance Commissioner, three State Capitol Commissioners, four Port Wardens for the Port of San Francisco, a Port Warden for each port of entry except San Francisco; three State Harbor Commissioners; three Harbor Commissioners for the Port of Eureka; six pilots for each harbor where there is no Board of Pilot Commissioners, one Pilot Commissioner for the ports of San Francisco, Mare Island, Vallejo, Benicia, and Port Costa; three members of the Board of Pilot Commissioners for Humboldt Bay and Bar, three Fish Commissioners, a President and twelve Directors to the State Board of Agriculture, four members of the State Board of Equalization, three members of the State Board of Railroad Commissioners, a Secretary to the Board of Railroad Commissioners, a Bailiff to the State Board of Railroad Commissioners, seven members to the State Board of Health, five members to the San Francisco Board of Health, five members to the Sacramento Board of Health, twenty-two Regents to the University of California, three members to the State Board of Education, seven Trustees of the State Normal School, five Trustees of the State Library, a State Librarian, two deputies for the State Librarian, a Librarian for the Supreme Court Library, five Directors of the State Prisons, two Wardens of the State Prisons, two Clerks of the State Prisons, five Directors for the insane asylum at Stockton, five Directors for the insane asylum at Napa, a Medical Superintendent of the insane asylum at Stockton, two Assistant Physicians of the State asylum at Stockton, a Resident Physician to the insane asylum at Napa, one first Assistant Physician to the insane asylum at Napa; *provided*, when the number of patients shall increase to six hundred, the Trustees may elect one additional Second Assistant Physician, with the same pay and emoluments as the First Assistant Physician; a Treasurer to the insane asylum at Stockton, a Treasurer to the insane asylum at Napa, five Trustees for the Asylum for the Deaf, Dumb, and Blind; three Trustees to the State burying grounds, nine Commissioners to the Yosemite Valley and Mariposa Big Tree Grove; such other officers as fill offices created by or under the authority of general laws for the government of counties, cities, and towns, or of the charters or special laws electing the same, or of the health, school, election, road, or revenue laws.

Sec. 2. Section 2429 of the said Political Code is hereby amended so as to read as follows:

2429. No person shall be appointed a general pilot unless he is an American citizen, over the age of twenty-one years, with a practical knowledge of the management of sailing vessels and steamships, and of the tides, soundings, bearings, and distances of

the several shoals, bars, rocks, points of land, light-houses and fog signals of the ports and harbors for which he is appointed, of good moral character and temperate, with the skill and ability necessary to discharge the duties of a pilot: and all special pilots must have the same qualifications as above recited, except that they need only understand the management of the kind of vessel (either sailing or steam) with which they are connected. All pilots appointed for the ports of San Francisco, Mare Island, Vallejo, Benicia, or Port Costa must hold certificates from the Chamber of Commerce of San Francisco as to the qualifications herein required, which certificates must be filed with the commissioner when application is made for appointment.

SEC. 3. Section 2430 of the said Political Code is hereby amended so as to read as follows:

2430. Pilots appointed by a commissioner must be recommended by the Chamber of Commerce of San Francisco as worthy and capable, and carefully examined as to their qualifications, and if so recommended must receive license as pilots for the term of twelve months, which license shall be thereafter annually renewed until the commissioner has good cause to withhold such renewal; and whenever the commissioner deems that he has such cause, or intends for any reason to withhold such renewal, he shall serve notice in writing on such pilot, specifying the causes, at least ten days before the expiration of his license; and such pilot shall thereupon be entitled to a full hearing before the commissioner and a committee of the Chamber of Commerce of San Francisco.

SEC. 4. Section 2431 of the said Political Code is hereby amended so as to read as follows:

2431. *Pilots to take official oath and give bond.* Every general pilot must execute an official bond in the sum of five thousand dollars, to be approved by the commissioner. The bonds must be filed with the said commissioner.

SEC. 5. Section 2440 of the said Political Code is hereby amended so as to read as follows:

2440. There must be appointed by the Governor one experienced and competent shipmaster, or nautical man, whose qualifications must first be certified to by the Chamber of Commerce of San Francisco, a citizen of the United States, and a resident of San Francisco, Oakland, Alameda, or Berkeley, who shall assume and perform all the duties of Pilot Commissioner for the ports of San Francisco, Mare Island, Vallejo, Benicia, and Port Costa, and who shall hold office at the pleasure of the Governor, not to exceed the term of four years.

SEC. 6. Section 2441 of the said Political Code is hereby amended so as to read as follows:

2441. There must be appointed by the Governor, three Pilot Commissioners for Humboldt Bay and Bar; two of the persons so appointed must be business men, and the other a shipmaster or nautical man, and all must be residents of Humboldt County, and shall hold their offices during the pleasure of the power appointing them, not exceeding four years from the date of their commissions. They must organize, and choose a president and secretary, who shall be of their number, meet in the City of Eureka on the first Mondays in January, April, July, and October, and oftener upon the call of any two of the members thereof. The President shall have power to administer oaths in regard to any matter properly before the board, and issue subpoenas for the attendance of witnesses before it. The secretary must keep a journal of all of its proceedings and acts, and a register of all pilots appointed, their residence, and date of license, and must, under order of the board, issue licenses, to be signed by the president, and countersign the same, and he shall also be the treasurer of the board. Neither of the commissioners must have any interest in any pilot boat, or steam tug, nor in the earnings thereof. The board may make by-laws and rules for the government of pilots appointed by it.

SEC. 7. Section 2443 of the said Political Code is hereby repealed.

SEC. 8. Section 2444 of the said Political Code is hereby repealed.

SEC. 9. Section 2445 of the said Political Code is hereby repealed.

SEC. 10. Section 2446 of the said Political Code is hereby repealed.

SEC. 11. Section 2457 of the said Political Code is hereby amended so as to read as follows:

2457. *To examine and license pilots.* The commissioner must examine and license, in the manner prescribed, not less than ten nor more than twenty pilots for the port of San Francisco, and not more than two pilots for the ports of Mare Island, Vallejo, Benicia, and Port Costa. Such pilots shall be known as general pilots, and must first be recommended by the Chamber of Commerce of San Francisco, as stipulated in Section 2429 of this Code. The commissioner shall issue a special license to the master or mate of any American vessel, who makes application therefor, and who possesses the qualifications applicable to such vessel, as specified in Section 2429 of this Code, and who is recommended as therein provided by the Chamber of Commerce of San Francisco.

SEC. 12. Section 2458 of the said Political Code is hereby amended so as to read as follows:

2458. General pilots must at all times keep for their exclusive use, boats of such description and good condition as directed by the Pilot Commissioner.

SEC. 13. Section 2460 of the said Political Code is hereby amended so as to read as follows:

2460. *To render account of pilotage and provide for expenses.* Every general pilot of the harbors of San Francisco, Mare Island, Vallejo, Benicia, and Port Costa must render an account each day, or as often as practicable, to the Pilot Commissioner of each and

all vessels to which or for which he has rendered services, and the pilotage therefor must be charged up and collected by the said commissioner, who shall deposit the same with the State Treasurer. The commissioner shall draw by warrant upon the State Treasurer (specifying the purpose) for the necessary expenses of the pilots, boats, and office expenses, not to exceed two hundred dollars per month salary for each general pilot licensed and actually rendering services that produce an income equal to such salary; two hundred dollars per month salary for the commissioner; one hundred dollars per month salary for the secretary; forty dollars per month, rent and sundries, and five hundred dollars per month for the use, maintenance, and repair of each pilot boat in commission or actual service, not to exceed four. Any surplus remaining in the State treasury to the credit of the said commissioner at the end of each fiscal year shall go to the state public school fund.

Sec. 14. Section 2461 of the said Political Code is hereby amended so as to read as follows:

2461. The commissioner has power summarily to suspend general pilots for misconduct, inattention to their duty, intoxication, or violation of any of the rules and regulations provided by the said commissioner for the government of said pilots, and to revoke the license of general pilots for the causes hereinafter mentioned, upon due proof thereof, as hereinafter provided. The Pilot Commissioner must temporarily suspend every general pilot complained of until the complaint is investigated and decided, as provided in Section 2463 of this Code.

Sec. 15. Section 2462 of the said Political Code is hereby amended so as to read as follows:

2462. *Causes for revocation.* Any general pilot may be deprived of his license before its expiration for the following causes only:

1. For neglect, for ten days after the same has been performed, as provided for in the second preceding section, to render an account to the commissioner of all services rendered by him.

2. For rendering to the commissioner a false account of services rendered.

3. For absenting himself from duty, except upon leave granted by the commissioner, or by reason of sickness or personal injury.

4. For refusing to exhibit his license when requested to do so by the master of any vessel he may have boarded.

5. For habitual or occasional intoxication, whether the same occurs while in charge of any vessel as pilot or in charge of a pilot boat, or at any other time.

6. For negligently, ignorantly, or willfully running any vessel on shore or otherwise rendering it liable to injury. Any pilot deprived of his license under this subdivision is hereafter ineligible to receive a license as pilot.

7. For willful violation of the rules and regulations adopted by the commissioner for the government of general pilots.

Sec. 16. Section 2463 of the said Political Code is hereby amended so as to read as follows:

2463. *Complaint against pilots to be verified, and how disposed of.* No complaint against any pilot for any of the charges specified in the preceding section must be entertained unless it is within the knowledge of the commissioner, or reduced to writing and verified, as in civil actions. When a written complaint is filed, the pilot accused must be forthwith served with a copy thereof, and required to appear before the commissioner and a committee of the Chamber of Commerce of San Francisco, and answer within ten days thereafter. If, upon the hearing of a complaint and the testimony in relation thereto, the commissioner and the said committee, or a majority of them, adjudge the complaint well founded, and the pilot guilty of any of the acts or causes herein declared sufficient for depriving him of his license, the commissioner must, by order, so declare, and forthwith revoke the license. Such order must be entered in the minutes of the secretary.

Sec. 17. Section 2464 of the said Political Code is hereby amended so as to read as follows:

2464. Whenever any pilot has been notified that his license will not be renewed, as provided in Section 2430 of this Code, he shall be entitled to a trial and hearing thereon in the same manner as other charges and complaints are tried under the provisions of Section 2463 of this Code, and in all such cases, and in all cases of revocation of license, or suspension of a pilot for any cause, the commissioner may, in his discretion, upon written application setting forth the grounds thereof, verified by the party aggrieved, grant a rehearing; and in all cases the decision on rehearing shall be final.

Sec. 18. Section 2466 of the said Political Code is hereby amended so as to read as follows:

2466. *Rates of pilotage.* The following shall be the rates of pilotage into or out of the harbor of San Francisco: All vessels under five hundred tons, three dollars per foot draught; all vessels over five hundred tons, three dollars per foot draught, and two cents per ton for each and every ton net registered measurement. In all cases where inward bound vessels are not spoken until inside the bar, the rates of pilotage above provided shall be reduced fifty per cent. Any vessel the master or mate of which holds a special pilot's license and which displays the requisite signal (which signal shall be designated by the Chamber of Commerce of San Francisco), or that is in tow of a steam tug-boat the master of which is a licensed special pilot, or that is engaged in the whaling or fishing trades, shall be exempt from all pilotage at any port in this State, unless

a general pilot be actually employed, and all provisions of law to the contrary are hereby repealed.

SEC. 19. Section 2468 of the said Political Code is hereby repealed.

SEC. 20. Section 2470 of the said Political Code is hereby amended so as to read as follows:

2470. *Pilots bringing in vessel entitled to take same out.* Any general pilot bringing a vessel into the harbor of San Francisco (or one connected with his boat) shall be entitled to take such vessel to sea again, when it next departs; *provided*, such pilot and those connected with his boat have not in the meantime become in any manner disqualified or incapacitated; *and provided*, that the services of a pilot are required by the master of said vessel; and if such preference be disregarded and a different pilot employed by the master of such vessel, the vessel, master, and owner shall be liable for one half the amount which would have been charged if the services had been accepted.

SEC. 21. Section 2490 of the said Political Code is hereby amended so as to read as follows:

2490. *Fees.* The commissioner shall charge for each original license to a general or special pilot the sum of ten dollars. Special licenses provided for in Section 2457 of this Code shall be issued to the master or mate of American vessels for the use of such vessel only, as the said master or mate may be regularly in command of or employed upon, and both general and special pilot shall pay two dollars and fifty cents for each renewal of a license. Said fees so collected shall go into the same fund as the pilotage collections and be fully accounted for in the same manner.

SEC. 22. This Act shall take effect from and after its passage.

Senator Gillette moved the adoption of the following as a substitute for bill and substitute previously offered:

An Act to amend Section 2460 of the Political Code of the State of California, relating to pilots of San Francisco, Mare Island, Vallejo, and Benicia, rendering a monthly account to the Board of Pilot Commissioners; also, to amend Section 2466 of the Political Code of the State of California, relating to rates of pilotage into or out of the harbor of San Francisco, and to add a new section to the Political Code of the State of California, to be designated as Section 2471, relating to discriminating charges for pilotage.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two thousand four hundred and sixty of the Political Code of the State of California is hereby amended to read as follows:

Section 2460. Every pilot of the harbor of San Francisco, Mare Island, Vallejo, and Benicia must, once in each month, upon blanks to be furnished to them by the Board of Pilot Commissioners, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and pay five per cent thereof to the board, in full compensation for its official services, for the services of its secretary and treasurer, and all incidental expenses. Such account shall give the name of each vessel piloted, and the master thereof, where the same is registered, the depth of its draught, its tonnage, whether inward or outward bound, and whether the amount received for piloting it is for full pilotage or half pilotage, and the secretary shall record such account in a book prepared for that purpose, which book shall at all times be open to public inspection.

SEC. 2. Section two thousand four hundred and sixty-six of the Political Code of the State of California is hereby amended to read as follows:

Section 2466. The following shall be the rates of pilotage into or out of the harbor of San Francisco: All vessels under five hundred tons, four dollars per foot draught; all vessels over five hundred tons, four dollars per foot draught, and three cents per ton for each and every ton registered measurement. When a vessel is spoken, inward or outward bound, and the services of a pilot are declined, one half of the above rates shall be paid. In all cases, when inward bound vessels are not spoken until inside of the bar, the rates of pilotage and one half pilotage, above provided, shall be reduced fifty per cent. Vessels engaged in the fishing or whaling trades shall be exempt from all pilotage except where a pilot is actually employed.

SEC. 3. A new section is hereby added to the Political Code of the State of California, to be known as section two thousand four hundred and seventy-one, to read as follows:

Section 2471. No pilot shall discriminate in favor of any vessel which he pilots, either by taking a less rate of pilotage than that received from other vessels for a like service or by making any rebate of the fees due him for the service rendered in piloting such vessel, or in any other manner. Any pilot violating any of the provisions of this section shall have his license revoked, and shall pay a fine of five hundred dollars; and it shall be the duty of the Attorney-General, in the name of the people of the State of California, upon a verified complaint being filed with him, showing that the provisions of this section have been violated, to commence an action in the Superior Court of the City and County of San Francisco, to recover such fine, and to revoke the license of the pilot who it is claimed violated the provisions of this section. Any pilot whose license shall be revoked shall not be again appointed as a pilot for a period of five years.

On motion of Senator Dickinson, both substitutes were ordered to print, but bill to retain its place on file.

Senate Bill No. 464—An Act to amend Sections 1897, 1898, and 1900 of the Political Code of the State of California, relating to the enrollment of persons subject to military duty.

Senator Stratton asked unanimous consent to withdraw Senate Bill No. 464 and substitute therefor on file Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Consent granted, Senate Bill No. 464 withdrawn, ordered stricken from the file, and Senate Bill No. 364 substituted therefor on file, and considered.

During the second reading of Senate Bill No. 364, the following amendments were submitted:

By the committee:

Amend by striking out in line 28, Section 1, page 2, of the printed bill, the word "social."

Amendment adopted.

Also: Amend by striking out of line 32, Section 1, page 2, of the printed bill, the word "social."

Amendment adopted.

By Senator Dwyer:

Amend by striking out of Section 1, line 28, printed bill, the word "religious."

Amendment adopted.

Also: Amend by striking out of Section 1, line 32, printed bill, the word "religious."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 500—An Act to amend an Act entitled "An Act in relation to labor and material on public buildings in the State of California," approved April 4, 1870.

During the second reading of bill, the following amendments were submitted by the committee:

On line 1, Section 1, strike out the word "one," and insert in lieu thereof the word "two"; strike out all of lines 5 to 10, inclusive, of Section 1; strike out lines 1 and 2 of Section 2.

Amendment adopted.

Also: On page 2, line 1, strike out the figure "3" after "Section," and insert in lieu of said figure "3" the figure "2."

Amendment adopted.

Also: In Section 3 strike out the word "this" in line 7, and all of lines 8 to 13, inclusive. Insert the word and figure "Section 3" before the word "this" on line 14, page 2.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 295—An Act to amend Section 270 of the Code of Civil Procedure, relative to the qualifications and competency of phonographic reporters in the courts of this State.

Senator Pedlar asked unanimous consent to withdraw Senate Bill No. 295 and substitute therefor on file Senate Bill No. 689—An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Consent granted.

Senate Bill No. 295 withdrawn, ordered stricken from the file, and Senate Bill No. 689 substituted therefor on file, and considered.

During the second reading of Senate Bill No. 689, Senator Pedlar offered the following as a substitute for the bill, and moved its adoption:

SUBSTITUTE FOR SENATE BILL No. 689.

An Act to promote the horticultural interests of the State, by providing County Boards of Horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a petition is presented to the Board of Supervisors of any county and signed by twenty-five or more persons, each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries, or trees of any variety, are infested with scale insects of any kind, injurious to fruit, fruit trees and vines, codlin moth or other insects that are destructive to trees, and praying that a commission be appointed by them whose duty it shall be to supervise the destruction of said scale insects as herein provided, the Board of Supervisors shall, within twenty days thereafter, appoint a board of horticultural commissioners consisting of three members, who shall be qualified by experience in horticulture and entomology, and who shall hold office at the pleasure of the Board of Supervisors.

SEC. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit-packing house, storeroom, salesroom, or any other place, or articles in their jurisdiction, and if found infested with scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs or larvae, they shall notify the owner or owners, or person or persons in charge or in possession of the said places, or orchards or nurseries, or trees or plants, vegetables, vines, or fruits, or articles as aforesaid, that the same are infested with said insects, or other pests, or any of them or their eggs, or larvae, and they shall require such person or persons to eradicate or destroy the said insects or other pests, or their eggs or larvae, within a certain time to be specified. Said notices may be served upon the person or persons, or either of them owning or having charge, or having possession of such infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action, any and all such places or orchards or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested are hereby adjudged and declared to be a public nuisance, and whenever any such nuisance shall exist at any place within their jurisdiction, or on the property of any non-resident, or on any property, the owner or owners of which cannot be found by the county board of horticultural commissioners, after diligent search within the county, or on the property of any owner or owners, upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated by eradicating or destroying said insects, or other pests, or their eggs or larvae, the expense thereof shall be a county charge, and the Board of Supervisors shall allow and pay the same out of the general fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this Act, and may be recovered by an action against such property and premises; a notice of such lien shall be filed and recorded in the office of the County Recorder of the county in which the said property and premises are situated, within thirty days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the District Attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs, and the overplus, if any there be, shall be paid to the owner of the property, if he be

known, and if not, into the court for his use, when ascertained. The county board of horticultural commissioners is hereby vested with power to cause any and all such nuisances to be at once abated in a summary manner.

SEC. 3. Said county board of horticultural commissioners shall have power to divide the county into districts, and to appoint a local inspector to hold office at the pleasure of the commissioners for each of said districts. The State Board of Horticulture may issue commissions as quarantine guardians to the members of said county board of horticultural commissioners, and to the local inspectors thereof, and they shall act subordinatedly to the same. The said quarantine guardians, local inspectors or members of said county boards of horticultural commissioners, shall have full authority to enter into any orchard, nursery, place, or places where trees or plants are kept and offered for sale, or otherwise, or any house, storeroom, salesroom, depot, or any other place in their jurisdiction, to inspect the same, or any part thereof.

SEC. 4. It shall be the duty of said county board of horticultural commissioners to keep a record of their official doings, and to make a report to the State Board of Horticulture, on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting and as to quarantine against insect pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Said board may publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest.

SEC. 5. The salary of all inspectors working under the county board of horticultural commissioners shall be two dollars and fifty cents (\$2 50) per day; in the case of the commissioners themselves, their compensation shall be four dollars per day, when actually engaged in the performance of their duties, and itemized necessary traveling expenses incurred in the discharge of their regular duties, as prescribed in this Act.

SEC. 6. It shall be the duty of the county board of horticultural commissioners to keep a record of their official doings, and make a monthly report to the Board of Supervisors, and the Board of Supervisors may withhold warrants for salaries of said members and inspectors thereof until such time as said report is made.

SEC. 7. An Act entitled "An Act to protect and promote the horticultural interests of the State," approved March fourteenth, eighteen hundred and eighty-one, and certain Acts amendatory thereof, approved March nineteenth, eighteen hundred and eighty-nine, and March thirty-first, eighteen hundred and ninety-one, are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill, as amended, ordered to print and engrossment.

Senate Bill No. 296—An Act to amend Section 170 of the Code of Civil Procedure, relative to the disqualification of Judges and Justices of the Peace.

Senator Pedlar asked unanimous consent to withdraw Senate Bill No. 296.

Consent granted.

Senate Bill No. 296 withdrawn, and ordered stricken from the file.

Senate Bill No. 297—An Act to amend the section referring to jurors' fees in an Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, approved March 28, 1895.

Senator Pedlar asked unanimous consent to withdraw Senate Bill No. 297.

Consent granted.

Senate Bill No. 297 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF BILL.

Committee Substitute for Senate Bill No. 109—An Act to provide for the appointment, duties, and compensation of a State Debris Commissioner, to make an appropriation to be expended under his direction, subject to the supervision and approval of the State Board of Examiners, for the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, and other causes, and to repeal an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make

an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Senator Prisk asked unanimous consent to withdraw Committee Substitute for Senate Bill No. 109.

Consent granted.

Committee Substitute for Senate Bill No. 109 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Dickinson asked unanimous consent to withdraw Senate Constitutional Amendment No. 37—Relative to the judicial department—introduced this day.

Consent granted.

Senate Constitutional Amendment No. 37 withdrawn.

INTRODUCTION OF CONSTITUTIONAL AMENDMENTS—(OUT OF ORDER).

By Senator Simpson: Senate Constitutional Amendment No. 38—Relative to the judicial department.

Referred to the Committee on Judiciary.

Also: Senate Constitutional Amendment No. 39—Relative to the judicial department.

Referred to the Committee on Judiciary.

MOTION.

On motion of Senator Simpson, Senate Constitutional Amendments Nos. 38 and 39 were ordered sent to print with "rush order."

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 282—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Passed on file, but to retain its place.

Senate Bill No. 331—An Act to amend Section 1042 of the Penal Code of the State of California, relating to jury trials in criminal cases.

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 331 and substitute therefor on file Senate Bill No. 39—An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Trans-Mississippi Exposition, to be held in Omaha in 1898, and to provide for a commission and its expenses, a secretary of such commission, and the compensation of the secretary thereof.

Consent granted.

Senate Bill No. 331 withdrawn, and ordered stricken from the file, and Senate Bill No. 39 substituted therefor on file, and considered.

During second reading of Senate Bill No. 39, the following amendments were submitted:

By the committee:

Amend title by inserting after the word "Trans-Mississippi" the words "and international."

Amendment adopted.

Also: Amend Section 1, line 1, printed bill, by striking out the word "seventy," and inserting instead the word "fifty."

Amendment adopted.

Also: Amend Section 1 by inserting after the word "Trans-Mississippi," in line 6 of printed bill, the words "and international."

Amendment adopted.

Also: Amend Section 1 by inserting after the word "Trans-Mississippi," in line 18, printed bill, the words "and international."

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 1, line 16, printed bill, the word "which," and inserting in lieu thereof the following: "whom."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Bill passed on file, but to retain its place.

WITHDRAWAL OF BILL.

Senate Bill No. 335—An Act to amend Section 729 of the Code of Civil Procedure, relating to the compensation for the commissioner's services in the foreclosure of mortgages, approved March 9, 1893.

Senator Gillette asked unanimous consent to withdraw Senate Bill No. 335.

Consent granted.

Senate Bill No. 335 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 162—An Act to regulate the salaries of certain officers in the police departments of counties, cities, and cities and counties of this State having a population of two hundred thousand or more inhabitants, and to provide for the appointment and salaries of other officers of such department.

During the second reading of the bill, Senator Wolfe offered the following as a substitute for the bill, and moved its adoption:

An Act to regulate the salaries of certain officers in the police department of municipal corporations of the first class, and to provide for the appointment and salaries of other officers of such department.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In every municipal corporation of the first class in this State salaries shall be allowed and paid to the following officers of the police department of such municipal corporations of the first class as in this Act provided, and not otherwise, and shall be in full compensation for all official services required of them by law:

To the Chief of Police, five thousand dollars per annum.

To six Captains of Police, twenty-five hundred dollars per annum each.

To the Clerk of the Chief of Police and Board of Police Commissioners, twenty-five hundred dollars per annum.

To the property clerk of the police department, twenty-five hundred dollars per annum.

To fifteen police officers, who shall be known and designated as detectives, detailed by the Chief of Police of the Police Department of such municipal corporation of the first class, to perform detective duty, one thousand eight hundred dollars per annum each.

SEC. 2. Upon petition of the Board of Police Commissioners, or other governing or supervising board of the police department, in any such municipal corporation of the

first class, addressed to the Board of Supervisors thereof, such Board of Supervisors may, when in its judgment the public welfare requires it, authorize the Chief of Police of the Police Department to detail additional police officers to perform detective duty, who shall receive the same salary as the detectives in section one provided for.

Sec. 3. All of the salaries provided for in this Act shall be paid at the same time and in the same manner and out of the same fund as they have been paid to members of the police department prior to the passage of this Act.

Sec. 4. All Acts and parts of Acts in conflict with or inconsistent with this Act are hereby repealed.

Sec. 5. This Act shall take effect from and after its passage.

Substitute read and adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 306—An Act prohibiting the burial of the dead within the corporate limits of any incorporated city, or city and county, of over one hundred thousand inhabitants, from and after the first day of January, A. D. 1900.

During the second reading of bill the following amendments were submitted:

By Senator Bulla:

Amend by striking out of Section 1, line 5, the word "one," and inserting in lieu thereof the following: "two."

Also: Amend title by striking out the word "one" in line 3, and inserting "two."

Amendment adopted.

By Senator Pedlar:

Amend by striking out of Section 1, line 4, the words "having a population exceeding two hundred thousand persons, as shall appear by the then next preceding national census."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 465—An Act to amend an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 465, and substitute therefor on file Senate Bill No. 618—An Act to provide, establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California, and heretofore used by the "California Home for the Care and Training of Feeble-Minded Children," near the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

Consent granted.

Senate Bill No. 465 withdrawn, and ordered stricken from the file, and Senate Bill No. 618 substituted therefor on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin to connect with a road called "Tioga Road," at or near the Tioga Mine—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

Senate Bill No. 542 and Assembly Bill No. 742 ordered on file for second reading.

ADJOURNMENT.

At ten o'clock and two minutes P. M., on motion of Senator Pedlar, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 19, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 17, 1897, was approved.

PETITION.

Senator Dwyer presented the following petition, which was ordered printed in the Journal:

WHEREAS, The many proposed amendments to Article XIII of the Constitution on the subject of revenue taxation—now upwards of twenty—unmistakably evince the desire on the part of the people to remedy some of the many defects in our present absurd and oppressive tax system; and

WHEREAS, It is obvious from the number of these attempts that relief can never be had by the tedious, uncertain, and cumbersome mode of constitutional amendment; therefore,

Resolved, That we cordially approve of the amendment to Article XIII of the Constitution introduced in the Assembly by Mr. Keegan, of Sonoma, and in the Senate by Senator Bulla, of Los Angeles, having the purpose of making the subject of revenue

and taxation one of legislative authority instead of constitutional restrictions, and earnestly urge every member of the Legislature, regardless of party ties or private considerations, to vote and work for the submission of said amendment to a vote of the people for adoption or rejection;

Resolved, That a copy of these resolutions, attested by the secretary, be sent to Senator Lawrence J. Dwyer, with the request that he present the same to the Senate as the earnest petition of the Iroquois Club of San Francisco.

I, D. J. Gordon, recording secretary of the Iroquois Club of the City and County of San Francisco, do hereby certify the foregoing to be a full, true, and correct copy of the original resolutions unanimously adopted by said club at a regular meeting held February 12, 1897.

D. J. GORDON,

Recording Secretary Iroquois Club, No. 909 Market Street.

Dated February 15, 1897.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Also: Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Also: Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Also: Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Also: Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bills Nos. 642, 643, 644, 645, and 697 re-referred to the Committee on Finance.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following accounts and resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to pay the following bills, as per vouchers:

February 2—F. G. Bell, locksmith.....	\$2 00
February 9—C. H. Rave, locksmith.....	2 25
Union Ice Company.....	14 00
Total	\$18 25

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—39.

NOES—None.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That C. S. MacMullan and Chauncey Clark be and they are hereby appointed

Assistant Minute Clerk and Assistant Secretary of the Senate, respectively, with pay from January 10, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: We, the undersigned members of your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That C. S. McMullan and Chauncey Clark be and they are hereby appointed Assistant Minute Clerk and Assistant Secretary, respectively, with pay from January 10, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HALL,
FEENEY.

Senator Braunhart moved that the minority report be adopted.

The roll was called, and the motion lost by the following vote:

AYES—Senators Braunhart, Doty, Dwyer, Feeney, Hall, Henderson, and Toner—7.

NOES—Senators Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Flint, Gillette, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—25.

The question recurring on the adoption of the majority report, the roll was called, and the report adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Bulla, Denison, Flint, Gillette, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Shine, Simpson, Smith, Stratton, Trout, and Withington—19.

NOES—Senators Braunhart, Chapman, Dwyer, Feeney, Hall, Henderson, and Toner—7.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Chairman of the Committee on State Prisons and Prison Buildings be and he is hereby authorized and empowered to appoint such members as he may deem necessary to visit such prisons and prison buildings, and report the condition and needs thereof to this Senate, and they shall, each of the members of said committee so appointed, be allowed their actual expenses in lieu of mileage, as heretofore.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Bulla, Denison, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Stratton, Voorheis, and Withington—24.

NOES—Senators Braunhart, Henderson, Toner, and Trout—4.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 659—An Act to amend Section 3094 of the Political Code, relating to the surrender of dead bodies of persons to be buried at public expense to physicians and surgeons, for anatomical purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ARAM, Chairman.

Senate Bill No. 659 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 318—An Act to provide for the protection and preser-

vation of public highways from damage by storm waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

Also: Senate Bill No. 462—An Act to amend Sections 3476 and 3477 of the Political Code, relating to reclamation of swamp and overflowed lands.

Also: Senate Bill No. 530—An Act to amend Section 3493 of the Political Code of the State of California, relating to the dissolution of swamp land or reclamation districts.

Also: Senate Bill No. 531—An Act to amend Section 3472 of the Political Code of the State of California, relating to the formation of swamp land or reclamation districts.

Also: Senate Bill No. 690—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ARAM, Chairman.

Senate Bills Nos. 690, 318, 462, 530, and 531 ordered on file for second reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 562—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

FRANCK, Chairman.

Senate Bill No. 562 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

JONES, Chairman.

Senate Bill No. 136 ordered on file for third reading.

BILL RE-REFERRED.

On motion of Senator Hall, Senate Bill No. 679—An Act to regulate the collection and disposition of all garbage, offal, ashes, and other refuse matter in towns, cities, and cities and counties—was re-referred to the San Francisco Delegation.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Stratton moved that the Senate reconsider the vote whereby Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees, an expense payable as an expense of administration—was on yesterday refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Aram, Beard, Boyce, Brauhart, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gleave, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis—28.

NOES—Senators Androus, Bert, and Gillette—3.

Senator Stratton asked unanimous consent to have Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees, an expense payable as an expense of administration—replaced on file.

Consent granted, and Senate Bill No. 249 replaced on the third-reading file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 491—An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands and the foreclosure of delinquent purchasers thereof.

Also: Substitute for Senate Bill No. 133 (reengrossed)—An Act to amend Section 2 of an Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881.

Also: Senate Bill No. 15 (reengrossed)—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," by adding a new subdivision, exempting seamen's and fishermen's wages, one piano, one shotgun, and one rifle, also typewriters and bicycles, from execution.

Also: Senate Bill No. 65 (reengrossed)—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

Also: Senate Bill No. 246 (reengrossed)—An Act to amend Section 200 of the Code of Civil Procedure, by adding a new subdivision, to be known as subdivision number 11, relating to exempting exempt firemen from jury duty.

Also: Senate Bill No. 255 (reengrossed)—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

Also: Substitute for Senate Bill No. 182 (reengrossed)—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products, as to their sanitary conditions, and as to the health of dairy animals, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to dairy stock, and to appropriate money therefor.

JONES, Chairman.

Senate Bills Nos. 491, 15, 65, 246, 255, Substitute for Senate Bill No. 133, and Substitute for Senate Bill No. 182, ordered on file for third reading.

SPECIAL ORDER.

Senator Smith moved that the third reading and consideration of Senate Bill No. 136—An Act to establish a uniform system of county and township governments—be made a special order for consideration at twelve o'clock M. this day.

Motion carried, and the third reading of Senate Bill No. 136 was ordered on special file for to-day at twelve o'clock M.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Prisk: Senate Bill No. 719—An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California as Sheriff of Plumas County.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Chapman: Senate Bill No. 720—An Act to amend an Act entitled "An Act to provide against the adulteration of food and drugs," approved March 26, 1895.

Referred to the Committee on Hospitals.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Bill passed on file, but to retain its place.

Substitute for Senate Bill No. 65—An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto.

The bill having been refused passage on a previous day, and the vote whereby it was refused passage having been reconsidered on a later day, the question was on the passage of the bill.

The roll was called, and Substitute for Senate Bill No. 65 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Withington—29.

NOES—Senator Smith—1.

Title read and approved.

Committee Substitute for Senate Bill No. 133—An Act to amend an Act entitled "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect and promote the horticultural interests of the State, approved March 14, 1881, approved March 19, 1889," approved March 31, 1891.

The bill having been passed on a previous day, the title was read and approved.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 15 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Fecney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Voorheis—27.

NOES—Senators Doty, Langford, and Withington—3.

Title read and approved.

Senate Bill No. 246—An Act to amend paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—34.

NOES—None.

Title read and approved.

MOTION.

On motion of Senator Voorheis, the Senate proceeded to consider the following bills:

Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

THIRD READING OF BILLS.

Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 273, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

Senator Braunhart moved that Senator Henderson be appointed a special committee of one to amend as follows:

Amend Section 1 by striking out in line 12 the words "without sectarian bias or control."

Motion to appoint a special committee of one to amend lost.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—32.

NOES—Senators Braunhart, Feeney, Henderson, and Toner—4.

Title read and approved.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 274, have examined the same, and report that the object cannot be secured under existing laws, and the same is correct in text and reference.

SEAWELL, for the Committee.

Pending the discussion of Senate Bill No. 274, the hour of twelve o'clock M. having arrived, which had heretofore this day been made the hour of special order for Senate Bill No. 136. Senator Withington moved that further consideration of Senate Bill No. 274 be reset as a special order to be considered after Senate Bill No. 136 was finally disposed of.

So ordered.

SPECIAL ORDER.

Twelve o'clock M. being the hour of this day set for the third reading and consideration of Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

The bill was read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 136, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 136 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunharr, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—38.

NOES—None.

Title read and approved.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Stratton, the Senate took a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Bert was granted a leave of absence until Tuesday afternoon, February 23, 1897.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Bill passed on file, but to retain its place.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Bill passed on file temporarily, but to retain its place.

Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape and what constitutes the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 76, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 76 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 419, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 419 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder,

Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.
NOES—None.

Title read and approved.

Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property.

Bill passed on file, but to retain its place.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

The bill having been read a third time on a previous day, the question was on its final passage.

On motion of Senator Gillette, Senator Trout was appointed a special committee of one to amend the bill as follows:

Insert after the word "party," on line 9, Section 1, the following: "*provided, however, that this Act shall not apply to persons employed regularly in any of the public institutions of this State, or of any city, city and county, or county.*"

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 17, with instructions to amend, respectfully reports the same back, amended as per instructions.

TROUT, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 418—An Act to amend Section 407 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 418, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 418 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—32.

NOES—None.

Title read and approved.

NOTICE OF RECONSIDERATION.

Senator Dwyer gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses—was this day passed.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 251—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending

Section 397 thereof, relating to penalties for selling liquor to habitual or common drunkards and Indians.

The bill having been finally passed on a previous day, the following supplementary report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No 251, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Title read and approved.

Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

Bill passed on file, but to retain its place.

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill passed on file, but to retain its place.

Assembly Bill No. 68—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill passed on file, but to retain its place.

Assembly Bill No. 170—An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 170, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Simpson, Senator Stratton was appointed a special committee of one to amend as follows:

By inserting the word "represented" between the words "California" and "in," in the enacting clause.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 170, with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Bill passed on file, but to retain its place.

Assembly Bill No. 455—An Act to add a new section to the Code of Civil Procedure, to be known as Section 676 thereof, relating to conveyances under order of court.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 455, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 455 refused final passage by the following vote:

AYES—Senators Androus, Aram, Gillette, Jones, Luchsinger, Mahoney, Prisk, Seawell, Smith, Trout, and Withington—11.

NOES—Senators Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Franck, Gleaves, Hall, Holloway, Langford, La Rue, Morehouse, Pedlar, Shine, Shippee, Simpson, Stratton, and Wolfe—19.

Assembly Bill No. 457—An Act to add a new section to the Code of Civil Procedure, to be known as Section 811 thereof, relating to dissolution of corporations.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 457, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Seawell moved a call of the Senate.

So ordered.

AYES AND NOES.

The ayes and noes were demanded by Senators Toner, Brauhart, and Seawell.

The roll was called, and the motion lost by the following vote:

AYES—Senators Brauhart, Doty, Dwyer, Feeney, Gleaves, Hall, Jones, Langford, La Rue, Luchsinger, Mahoney, Prisk, Seawell, Toner, Trout, Withington, and Wolfe—17.

NOES—Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Dickinson, Flint, Gillette, Henderson, Holloway, Linder, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, and Voorheis—20.

The President then announced the vote, and declared that the Senate refused final passage to Assembly Bill No. 457 by the following vote:

AYES—Senators Brauhart, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Jones, Langford, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Smith, Stratton, Toner, Trout, Withington, and Wolfe—20.

NOES—Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Dickinson, Flint, Gillette, Henderson, Holloway, Linder, Mahoney, Morehouse, Shine, Shippee, Simpson, and Voorheis—18.

NOTICE OF RECONSIDERATION.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 457—An

Act to add a new section to the Code of Civil Procedure, to be known as Section 811 thereof, relating to dissolution of corporations—was this day refused final passage.

MOTION.

At three o'clock and twenty-nine minutes P. M., on motion of Senator Simpson, the time for the consideration of Assembly bills was continued until four o'clock P. M.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No 4, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Simpson, Senator Luchsinger was appointed a special committee of one to amend as follows:

Strike out Section 4.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as indicated:

By Senator Voorheis: Senate Bill No. 721—An Act making an appropriation for the contingent expenses of the Senate.

Referred to the Committee on Finance.

By Senator Feeney: Senate Bill No. 722—An Act for the acceptance of balloting or voting machines and designating a particular voting machine.

Referred to the Committee on Elections.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 612—An Act to amend Section 7 of an Act authorizing corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations, approved April 6, 1891—have had the same under consideration, and respectfully report the same back with recommendation that it do pass.

Also: Senate Bill No. 633—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities and relative to granting of franchises," approved March 23, 1893—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw it, as Assembly Bill No. 396 covers the same.

DICKINSON, Chairman.

Senate Bills Nos. 612 and 633 ordered on file for second reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 660—An Act to empower the State Board of Examiners to authorize and direct the removal of property belonging to the State from one public institution to another—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DENISON, Chairman.

Senate Bill No. 660 ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 679—An Act to regulate the collection and disposition of all garbage, offal, ashes, and other refuse matter, in towns, cities, and cities and counties—and which was ordered withdrawn from this committee and re-referred to the San Francisco Delegation, respectfully report the same back, as ordered.

GILLETTE, Chairman.

Senate Bill No. 679 re-referred to the San Francisco Delegation.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 687—An Act to add a new section to the Penal Code, to be known as Section 1424, relative to the manner of applying for pardons.

Also: Senate Bill No. 702—An Act empowering peace officers to receive rewards for the arrest, conviction, or apprehension of persons accused of crime.

Have had the same under consideration, and respectfully report the same back, and recommend that Senate Bill No. 687 do pass; also, that Senate Bill No. 702 do pass as amended.

MAHONEY, Chairman.

Senate Bills Nos. 687 and 702 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 721—An Act making an appropriation for the contingent expenses of the Senate—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

Senate Bill No. 721 ordered on file for second reading.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Senate Bill No. 704—An Act requiring owners, lessees, and possessors of land to destroy squirrels thereon, and providing for the expense thereof in case of neglect—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SHIPPEE, Chairman.

Senate Bill No. 704 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

Your special committee was appointed under a resolution of the Senate, adopted on the 20th day of January, 1897, which reads as follows:

WHEREAS, Sound men are best qualified for passing sound laws, and the people of the State of California are vitally interested in the health and physical condition of legislators while engaged in their duties; be it

Resolved, That a special committee, consisting of the Lieutenant-Governor and two Senators, whom he may select and name, be and is hereby empowered to investigate into and inquire as to the necessity and utility of improving the sanitary conditions of this chamber, and they are directed to consult with the Secretary of State and report to this body on or before February 1st as to the best method for heating, ventilating, and improving the condition of said chamber, the cost thereof, and advantages to accrue therefrom.

In pursuance of this authority, and to present to the Senate and the people of this State the reasons for their action, your committee has held several meetings, at which they have invited the attendance of the City Engineer of Sacramento, the Secretary of State, and those familiar with the conditions of the Capitol, and have investigated the subject of the sanitation, heating, and ventilating of the Senate chamber and the Capitol building, in order that they might intelligently report to this body the conditions that exist, and suggest remedies for their alleviation.

We found that the Capitol was built at a time when little regard was paid to the sanitary condition of public structures or the comfort or health of the occupants. We found that there was no system of drainage provided for, for the building or grounds of the Capitol; that the sewage, resulting from the daily use of the building, was conducted by drains into a cesspool outside upon the grounds, where the sewage gathered for a long period of time, until artificially removed by pumps, and transported away in tanks, in a manner to endanger the health and welfare of the residents of the neighborhood. It was reported to us that this condition resulted in an annual threat to the health of the residents of the vicinity, and that the whole situation was such as to be a sad comment upon the manner of conducting public affairs.

We received estimates from the City Engineer's office of a proposed system of public sewers, which would afford an outlet to the drainage of the Capitol, and there is now proposed, by the City of Sacramento, the construction of a main sewer leading to the Capitol grounds, which will afford an outlet to the sewage of the Capitol, when the proposed improvements suggested in this report are brought about.

Senate Bill No. 371, introduced by Senator Doty, of Sacramento, is now before the Senate for action, and requires the expenditure of \$2,500 for the drainage of the Capitol and the connection of the drainage system upon the Capitol grounds with the city system of sewers. This bill should be passed, as essential to the carrying out of the plan proposed in this report. It is only by beginning at the foundation that a proper remedy can be afforded to the existing conditions that now surround us. The mortality roll, and the amount of sickness, suffered by members of the Legislature and officials of the State, whose duties compel them to occupy the Capitol building, is so appalling that we deem it unwise to enter into details regarding the same. The odors and gases which exist in the basement and toilet-rooms of the building, and thence permeate throughout all the offices and other portions of the building, are a constant menace to the health and life of the occupants.

The manner of heating the chambers occupied by the legislators results in a superheated condition of the atmosphere, which subjects every one to conditions found in a Turkish bath; and as the temperature of the corridors and other portions of the building not thus heated is many degrees lower than that of the chambers in question, the result is that the shocks produced from meeting these opposing conditions act injuriously upon the circulation and endanger the health and lives of all.

The subject of the ventilation of this building has been agitated periodically at each session of the Legislature, and almost constantly by the resident officials since its erection, because of the discomfort and ill health its sanitary condition produces.

Respiratory diseases caused by foul and disease-laden air taken into the lungs, and influenza and la grippe brought on by exposure to sudden changes of temperature on going from overheated rooms into cold corridors, or drafts from open windows, also typhus and other fevers from improper drainage and sewerage, are so prevalent that the Capitol building, which, artistically and architecturally, is the pride of the State, is visited with dread apprehension by those whose duty calls them to business within its walls.

Your committee, after the investigations above set forth, have ascertained that the drainage and sewerage from the building should be connected with the city sewer system.

Consulting with the city authorities, they propose to extend the city sewerage system along Thirteenth Street to L Street next adjoining the Capitol grounds, and will meet all the expenses thereto, except that they ask the State to furnish the connection by lateral sewers from the building to the street main, and to pay its proportion of the expenses for the street 24-inch main, which passes the Capitol grounds on the east side to N Street, a distance of 512 lineal feet.

Estimated cost by City Engineer:

Main sewer, 812 lineal feet of 24-inch pipe, at \$2 45.....	\$1,989 40
8 lineal feet of 8-inch pipe, at 35 cents.....	2 80
2 manholes, at \$36 50.....	73 00
	<hr/>
	\$2,065 20
Lateral connections:	
870 lineal feet of 10-inch pipe, at 60 cents.....	\$522 00
870 lineal feet of trench, to be refilled, at 80 cents.....	696 00
500 square feet of bitumen pavement, to be replaced, at 25 cents ...	125 00
3 manholes of brick, at \$50.....	150 00
	<hr/>
	\$1,493 00
Add ten per cent for the incidental expenses.....	149 30
	<hr/>
	\$1,642 30

With respect to the building itself, we are convinced that most thorough and radical measures should be taken; that the plumbing connected with the closets and the sanitary apparatus should be reconstructed from the ground up; and appliances used which will be of the best and most modern construction, and that the closets should be ventilated separately from the other ventilation of the building.

We are also convinced that every room in the building, including the basement, ought to be kept dry and healthful by a connected system of ducts to a fresh-air inlet from the outside. That the air should be kept circulating by a mechanical force or power used to pump a continuous supply of fresh air into the room or rooms, sufficient to properly ventilate the room and keep the same free from moisture or dampness under any degree of occupancy. Also, that a foul-air outlet be built from each room, and these ducts connected together with a mechanical force or exhaust blower to absolutely control the exhaust of foul air and its discharge above the roof. It is apparent to us that in no other way can any positive or satisfactory results be obtained. We would deprecate any half-way measures.

Appropriation should be sufficient to do good, and to interest and secure the best services of the most experienced sanitary engineers, and, when contracts are let, bidders should be required to furnish the most complete plans, specifications, guaranties, and bonds, that certain results may be obtained, and as nearly perfect and healthful conditions established in this building as the ingenuity of man has been able to devise or produce in public buildings.

It has been the experience in other places, where buildings have been equipped as above suggested, that not only is the average and general health of the occupants greatly improved, but the expense for fuel and cost of attendance and management greatly reduced.

When it is reflected that sound health is productive of good morals, the benefit to the individual and the State by thorough sanitation is clearly apparent.

It is the opinion and judgment of your committee that the work suggested in the foregoing report should be placed in charge of, and under the control of, the State Board of Capitol Commissioners, and that the sum of \$50,000 will be sufficient appropriation for the work proposed; we therefore submit herewith a substitute for Senate Bill No. 419, and recommend that the same be adopted, and that Senate Bill No. 327 be withdrawn.

JETER.
FLINT.
BOYCE.

Report referred to the Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted and read:

By Senator Pedlar:

WHEREAS, Such part of the National Guard as are stationed in San Francisco are ordered out for parade and inspection on February 22d (Washington's Birthday); and

WHEREAS, The commanding officers of said National Guard have extended an urgent invitation to this committee to be present on that occasion; therefore, be it

Resolved, That the Committee on Military Affairs be and they are hereby granted permission to visit San Francisco at that time, for the purpose of inspecting the National Guard, and that they be allowed their actual expenses, to be paid out of the Contingent Fund of the Senate, and that said committee be excused from attendance on the morning session of the Senate on February 23d.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

At four o'clock and five minutes P. M., on motion of Senator Wolfe, the Senate took a recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Brauhart, Bulla, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, Mahoney, Morehouse, Pedlar, Prisk, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

On motion of Senator Voorheis, a leave of absence for the remainder of the day was granted Senators Flint and Denison.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, Such part of the National Guard as are stationed in San Francisco are ordered out for parade and inspection on February 22d (Washington's Birthday); and

WHEREAS, The commanding officers of said National Guard have extended an urgent invitation to this committee to be present on that occasion; therefore, be it

Resolved, That the Committee on Military Affairs be and they are hereby granted permission to visit San Francisco at that time, for the purpose of inspecting the National Guard, and that they be allowed their actual expenses, to be paid out of the Contingent Fund of the Senate, and that said committee be excused from attendance on the morning session of the Senate on February 23d.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOLLOWAY, Chairman.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Feeney, Franck, Gleaves, Hall, Holloway, Jones, Langford, Mahoney, Pedlar, Prisk, Simpson, Toner, Voorheis, Withington, and Wolfe—18.

NOES—Senators Brauhart, Bulla, Doty, Gillette, Morehouse, Stratton, and Trout—7.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 326—An Act to appropriate \$1,750 as compensation to the California Demokrat Publishing Company, for having published proposed amendments to the Constitution of the State of California during the year 1894.

Also: Senate Bill No. 153—An Act making an appropriation to pay "L'Italia," a newspaper, for publishing proposed amendments to the Constitution of the State of California.

Also: Senate Bill No. 21—An Act to appropriate \$5,628 75 as compensation to the "La Voce del Popolo," a newspaper published in the City and County of San Francisco, for having published proposed amendments to the Constitution of the State of California during the year 1894.

Also: Senate Bill No. 22—An Act to appropriate \$4,488 42 as compensation to the "Le Franco-Californien," a newspaper published in the City and County of San Fran-

cisco, for having published proposed amendments to the Constitution of the State of California during the year 1894.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 326, 153, 21, and 22 ordered on file for second reading.

On motion of Senator Voorheis, the Committee Substitute for Senate Bills Nos. 326, 153, 21, and 22 was ordered to print.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Simpson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 16th day of February, passed the following: Assembly Bill No. 375—An Act to confer further powers upon the Boards of Health of the municipalities and counties in this State.

Also: Assembly Bill No. 374—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

Also: On the 18th day of February passed the following: Assembly Bill No. 827—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Also: Assembly Bill No. 706—An Act authorizing the Clerk of the Supreme Court to furnish his office, and make an appropriation therefor.

Also: Assembly Bill No. 250—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard.

Also: Assembly Bill No. 262—An Act making an appropriation to pay the claim of Geo. E. Lawrence, for services rendered the State of California, at the funeral of the late Lieutenant-Governor Millard.

Also: Assembly Bill No. 288—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture, etc.

Also: Assembly Bill No. 244—An Act making an appropriation to pay the claim of the Examiner, for advertising the constitutional amendments.

Also: Assembly Bill No. 679—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits.

Also: Assembly Bill No. 769—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments and validating records heretofore made.

Also: Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors, respecting roads.

Also: Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

Also: Assembly Bill No. 840—An Act to provide for an appropriation for the contingent expenses of the Assembly.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKERT, Assistant.

Assembly Bills Nos. 375, 374, 827, and 769 each read first time, and referred to the Committee on Judiciary.

Assembly Bills Nos. 706 and 250 each read first time, and referred to the Committee on Finance.

Assembly Bills Nos. 262, 288, and 244 each read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 679 read first time, and referred to the Committee on Mines, Drainage, and Mining Debris.

Assembly Bill No. 385 read first time, and referred to the Committee on Roads and Highways.

Assembly Bill No. 730 read first time, and referred to the Committee on Irrigation and Water Rights.

Assembly Bill No. 840 read first time, and referred to the Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 18th day of February, passed the following: Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Also: Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estate and discharge of executors and administrators.

Also: Senate Bill No. 122—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663 and 663½, respectively, providing for the setting aside of a judgment of a Superior Court and the rendition of a new judgment without a new trial.

Also: Senate Bill No. 120—An Act to legalize certain acknowledgments. (Substitute for Assembly Bill No. 145.)

Also: Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.

Also: Senate Bill No. 310—An Act for the protection of the Antwerp messenger, or homing pigeon.

Also: On the 18th day of February refused to pass Senate Bill No. 338—An Act to amend Sections 2292, 2293, 2294, of Chapter III, Title V, of the Political Code, relating to the State Library.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 47, 67, 122, 120, 177, and 310 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 19th day of February, refused to concur in the following Senate amendment to Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.—Insert in Section 1, line 20, after the word "canary," the words "meadow lark."

And most respectfully request your honorable body to recede from said amendment.

S. J. DUCKWORTH, Chief Clerk.

RECONSIDERATION OF SENATE AMENDMENT TO ASSEMBLY BILL No. 452.

SENATE AMENDMENT.

Insert in Section 1, line 20, after the word "canary," the words "meadow lark."

The question being, "Shall the Senate recede from the foregoing amendment to Assembly Bill No. 452?"

The roll was called, and the Senate receded from its amendment to Assembly Bill No. 452 by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Morehouse, Pedlar, Prisk, Simpson, Stratton, Toner, Trout, and Voorheis—22.

NOES—Senators Mahoney, Withington, and Wolfe—3.

MOTION.

At eight o'clock and thirty-five minutes P. M., Senator Wolfe moved that the Senate adjourn.

Motion lost.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 840—An Act to provide for an appropriation for the contingent expenses of the Assembly—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

Assembly Bill No. 840 ordered on file for second reading.

SECOND READING OF BILLS.

On motion of Senator Bulla, the Senate proceeded to consider Senate bills on the second-reading file.

Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Senator Aram asked unanimous consent to withdraw Senate Bill No. 6 and substitute therefor on file Senate Bill No. 523—An Act to appropriate money for the support of orphans, half orphans, abandoned children, foundlings, and other abandoned infants.

Consent granted.

Senate Bill No. 6 withdrawn and ordered stricken from the file, and Senate Bill No. 523 substituted therefor on file, and considered.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill passed on file, but to retain its place.

Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 196—An Act to amend Section 340 of the Penal Code of California, relating to pawnbrokers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill passed on file, but to retain its place.

Senate Bill No. 282—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Bill passed on file, but to retain its place.

Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Bill passed on file temporarily.

Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

Bill passed on file temporarily.

Senate Bill No. 618—An Act to provide, establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California and heretofore used by the California Home for the Care and Training of Feeble-Minded Children, near the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

During the second reading of bill, the following committee substitute was submitted:

An Act to provide for the transfer from the Whittier State School, at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California and heretofore used by the California Home for the Care and Training of Feeble-Minded Children, in the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be established and maintained in this State, and located in the County of Santa Clara, on that certain tract of land belonging to the State of California and heretofore used by the California Home for the Care and Training of Feeble-Minded Children, in the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female delinquents in the State of California, to be known as "The Santa Clara State School."

SEC. 2. The general supervision and government of said institution shall be vested in the Trustees of the California Home for the Care and Training of Feeble-Minded Children, who are hereby constituted ex officio Trustees of the Santa Clara State School.

SEC. 3. The Board of Trustees of the Santa Clara State School as above constituted, in so far as they relate to said Santa Clara State School, except in so far as they are limited or enlarged by the provisions of this Act, shall have the same powers, duties, responsibilities, and obligations as are conferred by law upon the Trustees of the Preston School of Industry, and they shall receive as compensation for their services the sum of ten dollars per meeting for each and every regular monthly meeting they shall attend, in addition to their regular traveling expenses.

SEC. 4. The superintendent of the California Home for the Care and Training of Feeble-Minded Children shall be ex officio superintendent of the Santa Clara State School. He shall have the same powers, responsibilities, and obligations as the superintendent of the Preston School of Industry, except as herein provided. The superintendent shall appoint a matron, at a salary not exceeding eighteen hundred dollars per year, who shall reside at the school, and who shall be furnished with suitable living apartments and maintenance. The matron shall, under the direction of the superintendent, exercise such powers and authority and perform such duties as are necessary for the preservation of the discipline and the conduct of the school, as provided by law. The superintendent shall also appoint a clerk, who shall also be commissary, at a salary not exceeding seventy-five dollars per month. Such clerk and commissary shall reside at the school and receive his maintenance, and be furnished with suitable living apartments. His duties shall be to perform such services as are now required by law of the clerk and the commissary of the Preston School of Industry, and such other duties as the superintendent of the Santa Clara State School shall require and direct.

SEC. 5. The board of trustees shall select some bank in the County of Santa Clara as treasurer, if any such bank can be found to accept the trust. If no bank can be found

willing to accept the trust without compensation, the board of trustees shall select a suitable person as treasurer, whose term of office shall be two years, and who shall be a resident of Santa Clara County. In either case, before entering upon the discharge of his or its duties, such treasurer shall execute a bond to the people of California, with sureties to be approved by said board, in at least double the sum of money for which he or it may be responsible as treasurer; he or it shall take charge of all the funds of the institution, receiving the same and disbursing them on the written order of the superintendent; and shall account to the board in such manner as they may require for all funds intrusted to him from whatever source. His or its books shall at all times be open to the inspection of the board and superintendent who shall, at least once every six months, carefully examine the same, and all the accounts, vouchers, and documents connected therewith, and make a report of the result of such examinations.

SEC. 6. Whenever said institution shall have been so far completed as to properly admit of the reception of inmates therein, the Governor shall make due proclamation of that fact, and thereafter it shall be lawful for said board of trustees to receive into its care and guardianship female children between the ages of eight and eighteen committed to its custody, as hereinafter provided.

SEC. 7. Commitments to the Santa Clara State School shall be limited to female children between the ages of eight and eighteen. Such female children shall be committed to the said school for a period not exceeding the time when they shall attain their twenty-first birthday, for such causes, in such manner, for such terms, and subject to such restrictions and limitations as are now provided by law for the commitment of minors to the Preston School of Industry, and the law relating to such commitment, transfer to, parole or discharge from, or transfer to, the State's prison of such minor is hereby made applicable to the Santa Clara State School, and all powers conferred by the laws upon the board of trustees, superintendent, and other officers of the Preston School of Industry, at Lone, are hereby conferred upon the said board of trustees, superintendent, and other officers of the Santa Clara State School.

SEC. 8. The superintendent and matron of the Whittier State School shall, after the proclamation has been made by the Governor, as provided for in section six of this Act, transport all the girls confined and kept by the said The Whittier State School to the said "The Santa Clara State School," and the said trustees and superintendent of the said "The Santa Clara State School" shall receive the said girls and keep them in the said The Santa Clara State School under the terms and conditions and provisions under which they are now confined in the said The Whittier State School, and hereafter the said The Whittier State School shall not receive any more minor females in the said The Whittier State School, and no court in this State shall send or commit any minor female child to the said The Whittier State School, but all commitments made by any court in this State, of any minor female child, after the proclamation made by the Governor as provided by section six of this Act, must be made to the said The Santa Clara State School.

SEC. 9. No minor male child shall be sent to or committed to this institution.

SEC. 10. The sum of seven thousand dollars is hereby appropriated out of any money in the "Whittier Reform School Fund," not otherwise appropriated, to be applied and used by the Trustees of the Santa Clara State School for the purpose of transporting the girls confined in the Whittier State School to the Santa Clara State School, and to be expended by such trustees for the purpose of renovating, rearranging, furnishing, and fixing the buildings, and putting the same in suitable condition for occupancy, and the care and education of the girls placed in the said institution under the provisions of this Act.

SEC. 11. The sum of forty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the maintenance and support of the said The Santa Clara State School for the next two years after the passage of this Act.

SEC. 12. The Controller of State is hereby authorized and directed to draw his warrants in such sum or amounts as are needed by the trustees under the provisions of this Act, not to exceed the sums hereby appropriated, specifying in each warrant the fund upon which the same is drawn, under the provisions of this Act, and the State Treasurer is hereby authorized and directed to pay said warrants.

SEC. 13. For the purpose of aiding in the education and reformation of the girl inmates of this institution, the female teachers in the state normal school located at San José are hereby authorized and empowered to arrange a course of lectures and form classes in said institution, under the direction of the board of trustees of said The Santa Clara State School; such lectures and such classes not to infringe upon the duties now devolving upon such teachers, and the board of trustees of the said The Santa Clara State School shall fix a reasonable compensation to be paid such teachers, over and above any compensation they may receive as teachers in the said state normal school; provided, that such instruction by way of lectures and classes by such state normal school teachers shall not prevent or prohibit the board of trustees of said Santa Clara State School from providing for suitable teachers and proper instruction for said inmates of this institution.

SEC. 14. For the purpose of further aiding in the reformation of the inmates of this institution, the management of the school shall provide said inmates with regular and appropriate manual and industrial occupations, and shall endeavor to secure therefrom and thereby such services and results as may tend to lessen the general expenses of

the support of said school, and at the same time render the inmates so drilled and disciplined more capable of self-control and self-support after they leave the school.

SEC. 16. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 17. This Act shall take effect immediately.

Substitute read.

The following amendments to the substitute were submitted by the committee:

Amend by striking out Section 11.

Amendment adopted.

Also: Amend by renumbering Section 12 of substitute, Section 11; renumber Section 13, Section 12; renumber Section 14, Section 13; renumber Section 15, Section 14; renumber Section 16, Section 15; renumber Section 17, Section 16.

Amendment adopted.

Substitute, as amended, adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Bill passed on file, but to retain its place.

Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

The bill having been passed on file temporarily, was, on motion of Senator Hall, taken up, read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 171—An Act to establish a uniform system of primary elections in the State of California, and to repeal Sections 1357 to 1365, both inclusive, of the Political Code of this State, constituting Chapter XIV of Title II, Part III, of said Code, and to constitute the several sections of this Act as Chapter XIV of said Code, under the head "Primary Election Law."

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 171 and substitute therefor on file Senate Bill No. 494—An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506, of the Political Code, relating to State Normal Schools.

Consent granted.

Senate Bill No. 171 withdrawn, ordered stricken from the file, and Senate Bill No. 494 substituted therefor on file, and considered.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out of title the numbers "1487," "1488," "1490," and "1507," and inserting in lieu thereof the number "1495."

Amendment adopted.

Also: Amend by inserting before the word "section," in line 1, page 1, of printed bill the word and figure "Section 1."

Amendment adopted.

Also: Amend by inserting on page 1, in line 11 of printed bill, after the word "connected," the following: "provided, he shall have no vote upon any charges or complaints made against himself, or upon his own employment or retention in his place."

Amendment adopted.

Also: Amend by inserting on page 1, in line 14 of printed bill, after the word "Governor," the following words: "by and with the advice and consent of the Senate of the State of California."

Amendment adopted.

Also: On page 2 of printed bill, begin with the word "section," in the beginning of line 1, after line 21, and strike out nine lines, ending with the word "Code," and insert before the word "section," next following, the word and figure "Section 2."

Amendment adopted.

Also: On page 3 of printed bill, begin with the word "section," in line 1, after line 40, and strike out five lines, ending with the word "chairman," and insert before the word "section," next following, the word and figure "Section 3."

Amendment adopted.

Also: On page 3 of printed bill, before the word "section," in line 1, next after the word "school," in line 9, insert the word and figure "Section 4."

Amendment adopted.

Also: On page 4 of printed bill, in line 16, after the word "schools," insert the words "provided, that no president of any normal school shall participate or vote upon the selection of a president, or fix the salary of any president of any of the state normal schools."

Amendment adopted.

Also: At the end of page 4 of printed bill, insert the following:

SEC. 5. Section 1495 of the Political Code of California is hereby amended to read as follows:

Section 1495. Teachers holding valid certificates to teach in any county in this State may be admitted to any state normal school in the State.

Amendment adopted.

Also: On page 5 of printed bill, before the word "section" in the first line on said page 5, insert the word and figure "Section 6."

Amendment adopted.

Also: On page 5 of printed bill, before the word "section," in 1, after line 9, insert the word and figure "Section 7."

Amendment adopted.

Also: On page 5 of printed bill, before the word "section," in line 1, and after the word "useful," in line 6, insert the word and figure "Section 8."

Amendment adopted.

Also: On page 6 of printed bill, before the word "section," in line 1, and immediately after "English," in line 45, insert the word and figure "Section 9."

Amendment adopted.

Also: On page 6 of printed bill, before the word "section," in line 1, after the word "same," in line 8, insert the word and figures "Section 11."

Amendment adopted.

Also: On page 6 of printed bill, in line 1, after the word "repealed," in line 2, and before the word "Section," insert the word and figures "Section 10."

Amendment adopted.

Also: Strike out all of page 7 of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 66—An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the port of San Francisco.

By consent of author, Senator Stratton asked unanimous consent to withdraw Senate Bill No. 66 and substitute therefor on file Senate Bill No. 554—An Act to prohibit the employment of convicts confined in the State prisons of this State in the manufacture of textile fabrics, other than jute grain bags, and to regulate the price and conditions of sale at which jute grain bags shall be sold by the State.

Consent granted.

Senate Bill No. 66 withdrawn and ordered stricken from the file, and Senate Bill No. 554 substituted therefor on file, and considered.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 586—An Act to amend Sections 364 and 680 of the Political Code, and to add a new section thereto, to be known as Section 686 of the Political Code, all relating to the State Board of Examiners.

Bill read second time, and passed on file temporarily, for the purpose of amendment.

Senate Bill No. 293—An Act entitled "An Act to repeal an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 537—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 183—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws.

Senator Withington asked unanimous consent to withdraw Senate Bill No. 183 and substitute therefor on file Senate Bill No. 445—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto two sections, to be numbered 288 and 289, to punish the crimes of open and notorious cohabitation and adultery.

Consent granted.

Senate Bill No. 183 withdrawn and ordered stricken from the file, and Senate Bill No. 445 substituted therefor on file, and considered.

During the second reading of bill, the following amendments were submitted by the committee:

Amend as follows: In line 3 of Section 1, begin with the word "every," and strike out to and including the word "both," in line 6, and insert in lieu thereof the following: "Every person over the age of sixteen years, who lives with another of the opposite sex, in a state of open and notorious cohabitation, and not being legally married to such other

person, is guilty of misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than three nor more than six months."

Amendment adopted.

Also: In Section 2, line 7, of printed bill, after the word "man," insert the words "he knowing her to be a married woman."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 536—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in line 26, subdivision 4, Section 1, page 2, after the word "for," the words "is unlawfully."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of line 6, Section 2, page 2, of the printed bill, the word "five" and inserting instead thereof the word "seven"; also, in line 8 of said section, by striking out the word "four," and inserting instead thereof the word "five."

Amendment lost.

Also: Amend by striking out all of Section 1, page 1, of the printed bill; also, by striking out on page 2, line 1, Section 2, the following: "Sec. 2," and inserting instead thereof the following: "Section 1"; also, by striking out on page 2, line 1, Section 3, the figure "3," and inserting instead thereof the figure "2."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 40—An Act to regulate the practice of architecture.

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 40 and substitute therefor on file Senate Bill No. 604—An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

Consent granted.

Senate Bill No. 40 withdrawn and ordered stricken from the file, and Senate Bill No. 604 substituted therefor on file, and considered.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 560—An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act concerning crimes and punishments,'" passed April 16, 1850, approved March 20, 1872.

Bill passed on file, but to retain its place.

Senate Bill No. 561—An Act to amend Section 605 of the Penal Code of the State of California, relating to the removing, defacing, or altering landmarks.

Bill passed on file, but to retain its place.

Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872,

relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill passed on file, but to retain its place.

Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

The bill having been passed on file temporarily, was, on motion of Senator Withington, taken up, read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 180—An Act to amend "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by adding the following words after the last word in Section 3: "Such map or plat, when so recorded, shall be a dedication to public use of all the streets, avenues, lanes, alleys, courts, and commons therein indicated."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

At ten o'clock and three minutes P. M., Hon. Edward I. Wolfe, State Senator from the Twenty-first Senatorial District, was called to the chair.

Senate Bill No. 586—An Act to amend Sections 364 and 680 of the Political Code, and to add a new section thereto, to be known as Section 686 of the Political Code, all relating to the State Board of Examiners.

The bill having been read second time this day, and passed on file temporarily for the purpose of amendment, on motion of Senator Bulla it was taken up, and the following amendment submitted by Senator Bulla:

Amend as follows: On page 1 of the bill, after the enacting clause, and preceding the word "section," insert the word and figure "Section 1"; also, prefix to the word "section," after the word "present," in line 7 of Section 1, the word and figure "Section 2"; also, on page 2, after the word "city," in line 15 of Section 2, and before the letter "a," insert the word and figure "Section 3."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 449—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal incorporations of the sixth class, approved March 27, 1885.

Bill passed on file, but to retain its place.

Senate Bill No. 437—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amend-

ments thereto, approved March 19, 1889, March 5, 1895, and March 26, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At ten o'clock and twenty-seven minutes P. M., on motion of Senator Mahoney, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 20, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 18, 1897, was approved.

POSTPONEMENT OF RECONSIDERATIONS.

In the absence of Senator Dwyer, Senator Henderson asked unanimous consent to have the reconsideration of the vote whereby Senate Bill No. 273 was on yesterday passed made a special order for Tuesday morning, after the approval of Journal.

Consent granted, and consideration set as a special order for that hour.

Senator Wolfe asked unanimous consent to have the reconsideration of the vote whereby Assembly Bill No. 457 was on yesterday refused final passage made a special order for Wednesday, after approval of Journal.

Consent granted, and consideration set as a special order for that hour.

PETITION.

The following petition was presented by Senator Voorheis, and ordered printed in the Journal:

To the Honorable J. M. GLEAVES and T. W. H. SHANAHAN, Sacramento :

We, the undersigned citizens of Anderson Township, Shasta County, Cal., most respectfully call your attention to the fact that the town of Cottonwood is very much in need of a Justice of the Peace, who should reside in said town.

That if it be possible and constitutional, we would ask you to have a law passed at this session of the Legislature granting the Shasta County Board of Supervisors the right to appoint a Justice of the Peace, to reside in Cottonwood, to have jurisdiction over the south half of said Anderson Township. And we will ever pray, etc.

Dated at Cottonwood, Cal., this 17th day of February, 1897.

(Signed:) A. Schuman, W. F. Price, Ed G. Carter, L. Bielefeld, R. H. Lean, Theo. F. Broadhurst, J. H. Campbell, P. H. Leaman, and sixty-six others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 20, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 209—An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and ask that Senate Bill No. 221, being a duplicate thereof, be withdrawn from the files.

BULLA, Chairman.

Assembly Bill No. 209 ordered on file for second reading.

By unanimous consent, Senate Bill No. 221 was withdrawn, and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Voorheis:

Resolved, That Assembly Bill No. 840 and Senate Bill No. 721 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 840—An Act to provide for an appropriation for the contingent expenses of the Assembly.

Bill read second and third times.

The roll was called, and Assembly Bill No. 840 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered immediately transmitted to the Assembly.

Senate Bill No. 721—An Act making an appropriation for the contingent expenses of the Senate.

During the second reading of the bill, the following amendment was submitted by Senator Withington:

Amend by striking out of Section 1, line 1, the words "twelve thousand five hundred," and inserting in lieu thereof the following: "eight thousand."

Amendment lost.

Bill read second time, considered engrossed, and read third time.

The roll was called, and Senate Bill No. 721 passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Feehey, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—29.

NOES—Senator Withington—1.

Title read and approved.

Bill ordered immediately transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations to whom was referred Assembly Concurrent Resolution No. 6, appointing Senators Dickinson, Gillette, and Seawell, members of the Senate, and Messrs. Price, Dennery, and Caminetti, members of the Assembly, a joint committee of the Senate and Assembly to examine into and report upon the charges made by the Governor relative to the management and conduct of the State Printer's office, in his message to the Assembly of February 9, 1897, setting forth his reasons for vetoing Assembly Bill No. 263, and to examine into and report upon the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office, and to examine into and report upon the necessity for an appropriation for the support of and to carry on the business of the State Printing Office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that the Senate do not recede from its amendment to said concurrent resolution, and recommend that a special committee of three on conference be appointed.

WOLFE, Chairman.

Senator Seawell dissenting.

AYES AND NOES.

On the question of the appointment of a committee on conference, the ayes and noes were demanded by Senators Prisk, Braunhart, and Seawell.

The roll was called, and the President directed to appoint such committee by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Dickinson, Franck, Gillette, Gleaves, Holloway, Jones, Mahoney, Morehouse, Pedlar, Shine, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—21.

NOES—Senators Braunhart, Doty, Hall, Langford, La Rue, Prisk, and Seawell—7.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President appointed Senators Voorheis, Morehouse, and La Rue as the committee on conference to meet a like committee from the Assembly, to consider Assembly Concurrent Resolution No. 6 and Senate amendment thereto.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the accompanying messages from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 16, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: I herewith return Senate Bill No. 9—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of

municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities - have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON,
PRISK,
GILLETTE,
HOLLOWAY,
of Committee.

Senate Bill No. 696 ordered on file for second reading.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Beard, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 19, 1897.

To the Senate and Assembly:

GENTLEMEN: The State Board of Trade, by its properly constituted committee has waited upon me and submitted a statement of the character of many of the immigration schemes projected by parties within the State, and of the injury which our legitimate interests have sustained abroad by the frequent misrepresentation of private parties seeking to trade upon the reputation and acknowledged merit of California. It is an acknowledged fact, with which you are doubtless familiar, that, while this State affords a wealth of opportunity for honest and productive investment, and offers an almost limitless variety of opportunities for the poor or wealthy home-seeker to satisfactorily establish himself, great injustice is done, and much hardship inflicted upon a large number of persons annually, who are lured within our State by dishonest promoters or speculators, and who are induced to pay high prices for barren, arid, or otherwise unproductive land.

Our State has honestly earned a reputation abroad as possessed of a peerless soil and climate, and it should be our concern, as it is our duty, to preserve that reputation untarnished and as a source of progress and an object of pride. I submit to you herewith the communication of the Committee of the State Board of Trade, which is self-explanatory. If you deem it wise to place some restriction or regulation upon immigration schemes, or if you desire to constitute some authority which shall pass upon their character or integrity by which investors abroad will be protected, I will be pleased to cooperate with you, hoping it will result in correcting serious evils which we know to exist. No additional expenditure need, however, be incurred for a new commission for the purpose outlined in the communication, as we already have in the State Board of Agriculture a body peculiarly fitted, by reason of their calling and general distribution throughout the State, for this purpose.

I submit this matter to your careful consideration.

JAMES H. BUDD, Governor.

SAN FRANCISCO, February 15, 1897.

Hon. JAMES H. BUDD, Governor of California, Sacramento, Cal.

DEAR SIR: Your Excellency is no doubt aware of the fact that in September last a report of the Consul-General residing in San Francisco and representing Great Britain in the consular service of that country was transmitted to Parliament. In general effect that report declared that for the most part the colonization schemes projected in this State were fraudulent and deceptive. The sovereign of Great Britain indorsed these statements sufficiently to cause the documents to be transmitted to the British Parliament, and the representations made therein have become, in a sense, the official expression of that Government.

Unfortunately for our State, the strictures contained in the document have, for the most part, a degree of justification in the facts of the case. There are now offered on the markets colony lands in which no intelligent Californian would invest. They are addressed to foreign ignorance and designed only for the attention and patronage of those whose lack of information makes them easy victims of dishonest immigration schemes. It is no part of the present purpose in addressing you to present or expose these schemes. We therefore content ourselves by the declaration of facts, for the verification of which we have ample evidence. The situation herein outlined calls for remedial measures.

In the first instance, the representation made by the Consul-General of Great Britain, and its official indorsement by the sovereign of that country, is a condemnation which, while intended only for the condemnation of fraudulent schemes, will necessarily be extended in its effects to the most beneficent and advantageous enterprises.

California, notwithstanding its age, is a country of large extent occupied by a relatively small population. Our condition is such as to make a reinforcement of our capital and population most desirable. We have natural resources which, when developed, will prove a rich reward to enterprise and intelligently directed capital. But our repre-

sentations concerning these resources, and our presentation of the inducements they offer, are now very broadly discredited throughout the world.

If these representations were wholly false, if they had no foundation in fact, the case would be different; but unfortunately the evidence that many fraudulent schemes have been projected, and have resulted disastrously to those who were deceived by them, gives not only color but demonstration of fraud, which, as already indicated, will attach to all representations which may be made on behalf of our commonwealth.

This situation demands remedies. The first of these is to establish some instrumentality of an official character which will expose and denounce the projectors of fraudulent and deceptive colonization undertakings. In the next instance, the ordinary unofficial methods of the defense of the State against the broader inferences of the charges already made, and in part substantiated, are insufficient to the accomplishment of the purpose.

In times past the price of land in California has been high. The richest fruit lands in the State have been held at prices which no use to which they might be devoted would justify. The general farming lands of the State were held at prices which forbade all expectations of a reasonable return upon the capitalized investment.

These conditions have passed away. California in the past has presented an example wherein the price of its real estate was not correlated with the density of population. In all countries there has been a fixed relation of value between the soil, the original source of all wealth, and the density of population occupying the country embracing that soil. California for a long time appeared to be an exception to that rule; but it is no longer so. Very high prices for the farming and fruit lands of California are no longer obtainable, not even asked. The depressed state of business throughout the world has wrought its perfect work in California in the direction of eliminating false factors in all valuations. The average value of all classes of agricultural land in California is not to-day thirty per cent of that placed upon it during the decade between 1880 and 1890.

Men forego home ties, break up home relations, sever themselves from kindred and friends, only because they believe they can better their condition, financially, morally, and socially. The sober question which confronts us in inviting a reinforcement of our population is, Do the conditions of California in their financial, educational, religious, moral, and social aspects offer superior inducements to those existing in the more densely settled portions of our country? If they do not, then, in the very incipency of the case, an invitation extended to people to break their home ties and become citizens of our commonwealth is in its nature a deception.

We who address you in this communication, and the organization we represent, believe that California offers inducements superior to those of many more densely settled countries, and entertaining that opinion, we also entertain the belief that in inviting immigration to California we are conferring a favor not only upon this commonwealth, but upon those who accept the invitation. Never before the present time in the history of this State have the inducements to immigration been so great.

Men dispose of the property they have accumulated and make investments in new countries, in the hope of acquiring the ownership of property in the new location in advance of its developed value. They expect, as they have a right, that the increment of value on the property they purchase will reinforce their own industry and economy in acquiring wealth. For many years past this hope or expectation could not be realized with reference to California. The inflated prices at which the lands of the State were held forbade this expectation.

All this is changed. Lands are no longer held at values which anticipate development, and out of this grows the opportunity of reaping the reward of that enhancement which will necessarily ensue upon the more dense settlement of our State. All the conditions inviting immigration to this State have improved. The rate of transportation has a steadily downward tendency. The cost of living constantly declines. The original cost of planting an orchard has been very greatly diminished. A ripe experience as to the science of horticulture and agriculture affords guaranty against the costly mistakes of ignorance. In every aspect of the case, the invitation which the people of California can now extend to the home-seekers of the world has better justification than at any time in the history of the commonwealth. At this juncture, the reputation of our State as a desirable place for residence has received the broadest injury.

These matters are of the highest importance to the State of California. They are of even greater importance than the question of exhibiting the products of the State at Eastern or foreign expositions. We are confronted by a condition which will deny to us our due share of the immigration which seeks new homes each year.

The State Board of Trade, an organization composed of representatives from the various counties of the State, has had these matters under consideration, and has appointed the signers of this communication a committee to present the matter to your Excellency, accompanied by a petition that the facts herein presented be made the subject of a special message to the Legislature, accompanied by the recommendation that a Commission of Immigration be created and established, whose duty it shall be to institute inquiry into the character of all colonization schemes projected in this State, and to commend or condemn, according to the merit or demerit of such schemes.

The only adequate or effective defense the State can now make against the injurious representations which have received such high official indorsement, will be through the deliberate conclusions of an official body—one representing the Government of the State of California, and therefore charged with high accountability. The testimony of such an authority will be received, respected, and believed, while the representation of the

voluntary immigration instrumentality will be regarded as partial, interested, and unreliable.

We, therefore, have the honor to petition that your Excellency present to the Legislature, in the form of a special message, such statement of the changed and improved conditions in this State as bear upon its natural resources, the opportunities of their development, and the general desirability of the State as a place of residence.

We also respectfully urge upon your thoughtful attention the suggestion herein made of the creation of a State Commission of Immigration, the function and office of which would be to protect the people of California against the injurious results of fraudulent schemes projected only in the interest of private speculation. All misrepresentation of this kind can work only injury to this commonwealth, and a State commission, composed of patriotic and honorable men, armed with the authority of the law, and representing in an official capacity the people of the State of California, would make only truthful representation; and with this high official indorsement, the truth concerning our State would be received and believed.

We forego further detail of outline, leaving to your better understanding of the subject and your better facility of suggestion the elaboration of the plan herein generally outlined.

Respectfully representing to you the gravity of the situation, we have the honor to remain,

Yours respectfully,

W. H. MILLS,
San Francisco, Chairman;
N. P. CHIPMAN,
Tehama County, President State Board of Trade;
JOSEPH S. EMERY,
Alameda County, Vice-President State Board of Trade;
J. A. FILCHER,
Placer County, General Manager State Board of Trade;
MRS. E. SHIELDS,
Sacramento County;
CRAIGIE SHARP,
Alameda County;
Committee.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendment were introduced, read first time, and referred to committees, as indicated:

By Senator Gleaves: Senate Bill No. 723—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 724—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 725—An Act to provide for the classification of the roads in the State of California.

Referred to the Committee on Roads and Highways.

Also: Senate Bill No. 726—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Referred to the Committee on Roads and Highways.

By Senator Bulla: Senate Bill No. 727—An Act ceding jurisdiction to the United States over certain lands in Los Angeles County occupied by the Pacific Branch of the National Home for Disabled Volunteer Soldiers.

Referred to the Committee on Federal Relations and Immigration.

By Senator Voorheis: Senate Bill No. 728—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1426 thereof, relating to executors and administrators.

Referred to the Committee on Judiciary.

By Senator Trout: Senate Bill No. 729—An Act to amend Section 2294 of Chapter III, Title V, of the Political Code, relating to the State Library.

Referred to the Committee on Public Printing and State Library.

By Senator Mahoney: Senate Constitutional Amendment No. 40—An Act to submit to the people of the State of California an amendment to Section 23 of Article IV of the Constitution of the State of California.

Referred to the Committee on Constitutional Amendments.

By Senator Braunhart: Senate Bill No. 730—An Act to authorize the Board of Railroad Commissioners to reduce the fare on street railways in cities, cities and counties, and towns, and authorizing such board to require the issuance of commutation tickets for transportation on such street railways, and to fix the rates therefor.

Referred to the Committee on Corporations.

By Senator Beard (by request): Senate Bill No. 731—An Act making an appropriation to pay the claim of E. L. Marshall, for advertising the constitutional amendments in the Alameda Daily Morning Telegram.

Referred to the Committee on Claims, Retrenchment, and Public Expenditures.

By Senator Withington: Senate Bill No. 732—An Act to amend Sections 4, 6, 11, 12, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Referred to the Committee on Banks and Banking.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 262—An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.

Senator Mahoney asked unanimous consent to withdraw Senate Bill No. 262 and substitute therefor on file Senate Bill No. 550—An Act to amend Section 171 of the Penal Code, relating to unauthorized communication with convicts in the State Prison.

Consent granted.

Senate Bill No. 262 withdrawn and ordered stricken from the file, and Senate Bill No. 550 substituted therefor on file.

RESOLUTION—(CASE OF URGENCY).

Senator Mahoney offered the following urgency resolution, and moved its adoption:

Resolved, That Senate Bill No. 550 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Brauhart, Chapman, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Mahoney, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Voorheis, Withington, and Wolfe—27
NOES—Senator Bulla—1.

CASE OF URGENCY—SECOND AND THIRD READING OF BILL.

Senate Bill No. 550—An Act to amend Section 171 of the Penal Code, relating to unauthorized communication with convicts in the State Prison.

Bill read second and third times.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Brauhart, Bulla, Chapman, Dickinson, Doty, Franck, Gleaves, Hall, Holloway, Jones, Mahoney, Prisk, Seawell, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—24.
NOES—None.

Title read and approved.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 255—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 255 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Brauhart, Bulla, Chapman, Dickinson, Doty, Feeney, Franck, Gleaves, Hall, Holloway, Jones, Mahoney, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—26.
NOES—None.

Title read and approved.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

The bill having been read third time on a previous day.

On motion of Senator Stratton, Senator Dickinson was appointed a special committee of one to amend the printed bill as follows:

Amend by inserting in line 12, after the word "bond," the following: "*provided, that in the case of bonds of executors, administrators, and guardians, such sums so allowed shall in no event exceed one quarter of one per cent per annum of the amount of such bond.*"

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 249, with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment, but to retain its place on file.

Substitute for Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

Substitute for Senate Bill No. 182 passed on file, but to retain its place.

Substitute for Senate Bill No. 362—An Act authorizing the Secretary of State to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as Janitor's Clerk, who shall keep the accounts of, the supply department, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

Bill read third time, and passed on file, but to retain its place.

Senate Bill No. 117—An Act governing the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

Bill passed on file, but to retain its place.

Senate Bill No. 392—An Act to amend Section 499 of the Civil Code, relating to street railways operated under different managements.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 392, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senator Brauhart moved that Senator Wolfe be appointed a special committee of one to amend bill so as to read as follows:

An Act to amend Section 499 of the Civil Code of the State of California, relating to street railways operated under different managements.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and ninety-nine of the Civil Code of the State of California is hereby amended to read as follows:

Section 499. Any line of street railway may be permitted to use the tracks of any other street railway, each paying a portion of the cost of construction and maintenance of the track and appurtenances used by said railways jointly, proportionate to their use, estimated by the number of cars in actual operation and the distance traversed, but in no case must two lines of street railway, operated under different managements, occupy and use the same tracks for more than ten blocks; *provided*, that the use of the same tracks or streets for ten additional blocks may be granted on condition that at least one mile shall intervene between the end of the first ten blocks and the beginning of the second. Where blocks in any one street are irregular in size, the longest blocks shall be the ones enumerated. Nothing in this section shall be construed to limit the power to grant franchises for independent tracks over any street for any distance.

SEC. 2. This Act shall take effect from and after its passage.

Motion lost.

The roll was called, and Senate Bill No. 392 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Trout, Voorheis, and Withington—24.

NOES—Senators Braunhart, Toner, and Wolfe—3.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Mahoney introduced the following resolution, and moved its adoption:

Resolved, That when the Senate adjourns this day the adjournment shall be until Tuesday morning, February 23, at ten o'clock A. M.

Resolution adopted.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 19th day of February passed the following: Senate Bill No. 63—An Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

Also: Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Also: On the 20th day of February passed the following: Senate Bill No. 721—Making an appropriation for the contingent expenses of the Senate for the thirty-second session of the Legislature.

Also: On the 18th day of February passed the following: Senate Bill No. 158—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by inserting a new section therein, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water.

Also: On the 19th day of February refused third reading to Senate Bill No. 186—An Act authorizing and empowering the Board of State Harbor Commissioners to grant, exchange, or transfer certain property east of the western line of East Street, as delineated and located upon the ground, between Clay Street and Market Street, in the City and County of San Francisco, to or with the owner or owners of certain property on the triangular corner common to Market, Sacramento, and East streets.

Also: On the 19th day of February amended, and passed as amended, the following: Senate Bill No. 369—An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 63, 2, 721, and 158 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 369.

ASSEMBLY AMENDMENT.

Amend by striking out the words "once recorded," in lines 8 and 9 of Section 1 of the printed bill, and inserting the word "recorded" before the word "conveyances," on line 8 thereof.

The question being "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 369?"

RECESS HOUR CONTINUED.

At twelve o'clock and twenty-seven minutes P. M., during consideration of Assembly amendment, on motion of Senator Simpson, the hour for recess was continued until twelve o'clock and forty minutes P. M.

ROLL CALL.

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—26.
NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 369 ordered to enrollment.

ADJOURNMENT.

At twelve o'clock and thirty-eight minutes P. M., on motion of Senator Simpson, the Senate adjourned until Tuesday, February 23, 1897, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 23, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Henderson was granted a leave of absence for the morning session, as requested by Senator Toner.

Senator Pedlar was granted a leave of absence for the day, as requested by Senator Dickinson.

Senator Beard was granted a leave of absence for the day, as requested by Senator Seawell.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, February 19, 1897, was approved.

SPECIAL ORDER.

The reconsideration of the vote whereby Senate Bill No. 273 was on Friday, February 19, 1897, passed, heretofore set as a special order for this hour, was, on motion of Senator Dwyer, postponed temporarily.

PETITIONS.

Petitions were presented and read requesting action by the Senate, as follows:

By Senator Voorheis: Three petitions from the citizens of Alpine and Inyo counties, requesting the passage of Assembly Bill No. 612. Signed by P. A. Chalfant, James McBride, L. W. Barnaby, A. M. Given, W. T. Bunney, Joseph Seeley, N. D. Arnot, H. A. Grover, Frank Walker, and one hundred and nine others.

By Senator Simpson: Two petitions from residents of North Pasadena, requesting the enactment of a Sabbath law. Signed by Mrs. E. Huntley, Mrs. O. T. Barker, Mrs. MacD. Snowball, John H. Stuntz, Thos. E. Gould, W. P. Graves, and thirty-four others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was re-referred the matter of the expenses incurred in the election contests of Welch, Jr. vs. Hall, Tyrrell vs. Hall, McCarthy vs. Hall, and Chandler vs. Feeney, beg leave to report that they have had the matter under further consideration, and fully investigated the same, and they therefore recommend that in the case of John Tyrrell vs. Sidney Hall, Garrett W. McEnerny be allowed an attorney fee of \$200, as heretofore recommended.

That in the case of D. J. McCarthy vs. Sidney Hall, the contestant be allowed, as heretofore recommended, the following costs:

Fees of County Clerk and Sheriff.....	\$7 50
Witness fees, 43 witnesses.....	50 00
Subpoenaing witnesses.....	20 00
Stenographer's fees, Ernest J. Mott, two days.....	20 00
Transcript of testimony.....	75 00
Justices' fees.....	10 00
Attorney's fee, Henry C. Dibble, Jr.....	100 00
	<hr/>
	\$282 50

That in the case of M. J. Welch, Jr., vs. Sidney Hall, the contestant, M. J. Welch, Jr., be allowed the following costs:

Fees of County Clerk, Sheriff, and witnesses.....	\$100 50
Fees of Justices G. W. F. Cook and J. E. Barry.....	35 00
Fees of J. A. Vaughan, stenographer, nine days, and transcript of testimony, 1,500 folios.....	350 00
Attorney's fee, Martin Stevens.....	100 00
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Total.....	\$585 50

That in the case of M. J. Welch, Jr., vs. Sidney Hall, the contestee be allowed the following costs:

Witness fees.....	\$40 00
Watcher for ballots during recount.....	20 00
Attorney fee, Garrett W. McEnerny.....	200 00
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Total.....	\$260 00

That in the case of Thomas W. Chandler vs. John Feeney, the contestant, Thomas W. Chandler, be allowed the following costs, as heretofore recommended:

Court costs and expenses.....	\$11 00
Witness fees.....	96 40
Serving subpoenas and mileage.....	50 00
Attorney fee, Frank Powers.....	100 00
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Total.....	\$257 40

That in the case of Thomas W. Chandler vs. John Feeney, the contestee be allowed, as heretofore recommended, the following costs:

Ernest J. Mott, four days.....	\$40 00
Transcript of testimony, 288 folios.....	50 00
Fees of Justices G. W. F. Cook and J. E. Barry.....	20 00
Attorney fee, Garret W. McEnerny.....	200 00
Total	\$310 00

That in the case of John Tyrrell vs. Sidney Hall, the contestant be allowed, as heretofore recommended, the following costs:

Witness fees, 18 witnesses.....	\$36 00
Subpoenaing witnesses.....	9 00
Stenographer's fees, S. L. Conlan, nine days' attendance and transcript of testimony, 1,599 folios.....	350 00
Costs filing contest, Sheriff's and notary's fees.....	8 30
Fees of Justices G. W. F. Cook and J. E. Barry.....	30 00
Attorney fee of Messrs. Ruef & Dinkelspiel.....	100 00
Total	\$532 30

That as heretofore recommended the following costs be allowed, the same having been incurred in the matter of the recount of the ballots in the cases of McCarthy vs. Hall, Welch vs. Hall, and Tyrrell vs. Hall:

J. C. Bunner, W. I. Arlett, and Charles Fawcett, clerks, \$25 each.....	\$75 00
Robert Mitchell, caller.....	25 00
Felix Dolan, stringer.....	25 00
Miss Ida Woodworth, stenographer, four days.....	40 00
Transcript of testimony, 141 folios, at 20 cents.....	21 15
Four copies testimony, at 5 cents per folio.....	28 20
Alexander McCabe, J. C. Jones, Abraham Friedlander, and James Kidney, clerks representing contestants and contestee, \$10 each.....	40 00
Service of citation on Registrar of Voters and Deputy Registrar of Voters, and mileage.....	36 60
W. M. Hinton, expressage on ballots from San Francisco and return.....	20 10
James C. Reynolds, Deputy Registrar, guarding ballots, and mileage.....	28 00
Guy Hinton, Deputy Registrar, guarding ballots, and mileage.....	39 25
L. J. Welch, Deputy Registrar, guarding ballots, and mileage.....	49 50
Total	\$427 80

And your committee further recommend that in the case of McCarthy vs. Hall the contestee be allowed the following expenses:

Attorney fee, Garrett W. McEnerny.....	\$100 00
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And we recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following named persons, and in the amounts set opposite their names, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same:

F. S. Stratton, as Chairman Elections Committee.....	\$427 80
Garrett W. McEnerny.....	100 00
A. Ruef.....	182 30
S. L. Conlan.....	350 00
Garrett W. McEnerny.....	220 00
Ernest J. Mott.....	90 00
Frank Powers.....	257 40
Garrett W. McEnerny.....	280 00
Martin Stevens.....	235 50
J. A. Vaughan.....	350 00
Henry Dibble, Jr.....	187 50
Ernest J. Mott.....	95 00
Garrett W. McEnerny.....	200 00
Total	\$2,955 50

STRATTON, Chairman.

Report referred to the Committee on Attachés, Contingent Expenses, and Mileage.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 244—An Act making an appropriation to pay the claim of the Examiner, for advertising the constitutional amendments.

Also: Assembly Bill No. 262—An Act making an appropriation to pay the claim of George E. Lawrence, for services rendered the State of California at the funeral of the late Lieutenant-Governor Millard.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BULLA, Chairman.

Assembly Bills Nos. 244 and 262 re-referred to the Committee on Finance.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors respecting roads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GLEAVES, Acting Chairman.

Assembly Bill No. 385 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 516—An Act to amend Section 1885 of the Political Code of the State of California, relating to form of bonds, when payable.

Also: Senate Bill No. 391—An Act to prohibit the keeping, maintaining, and employing the device known as "nickel-in-the-slot machine," or other similar device or devices for the hazarding of any money, or for the disposal of, or promise to dispose of, any liquor, cigars, or other commodities, or any valuable article or thing of whatsoever nature.

Also: Senate Bill No. 365—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Also: Senate Bill No. 506—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds.

Also: Senate Bill No. 533—An Act authorizing municipal authorities to designate and set apart streets, and portions of streets, as boulevards, and restricting the power to grant franchises upon streets so designated and set apart.

Also: Senate Bill No. 503—An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act," approved March 25, 1893.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Also: Senate Bill No. 500—An Act to amend an Act entitled "An Act in relation to labor and material on public buildings in the State of California," approved April 4, 1870.

Also: Senate Bill No. 39—An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Trans-Mississippi and International Exposition to be held in Omaha in 1898, and to provide for a commission and its expenses, a secretary of such commission, and the compensation of the secretary thereof.

Also: Substitute for Senate Bill No. 162—An Act to regulate the salaries of certain officers in the Police Department of counties, cities, and cities and counties of this State having a population of two hundred thousand or more inhabitants, and to provide for the appointment and salaries of other officers of such department.

Also: Senate Bill No. 306—An Act prohibiting the burial of the dead within the corporate limits of any incorporated city, or city and county, of over one hundred thousand inhabitants, from and after the 1st day of January, A. D. 1900.

JONES, Chairman.

Senate Bills Nos. 516, 391, 365, 506, 533, 503, 364, 500, 39, 306, and Substitute for Senate Bill No. 162, ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 403—An Act to amend Section 3608 of the Political Code of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 404—An Act to add a new section to the Political Code, to be known as Section 3609 thereof, relating to the general revenue of this State, and to property liable to taxation for the purpose of revenue.

Also: Senate Bill No. 406—An Act to amend Section 3629 of the Political Code, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 569—An Act relating to actions for the recovery or possession of real property, and the determination of adverse claims thereto.

Also: Senate Bill No. 570—An Act to amend Section 737 of the Political Code of the State of California, relating to the annual salaries of the Judges of the Superior Court.

Also: Senate Bill No. 571—An Act concerning actions of ejectment and actions to quiet title to real property.

Also: Senate Bill No. 605—An Act to amend Section 1704 of the Code of Civil Procedure.

Also: Senate Bill No. 622—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874.

Also: Senate Bill No. 634—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments, and validating records heretofore made.

Also: Senate Bill No. 688—An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the management and maintenance of the same, and to make an appropriation therefor," approved March 11, 1889, relating to the commitment to, detention in, and discharge from said School of Industry of certain minors.

Also: Senate Bill No. 695—An Act to amend Section 124 of the Civil Code, regarding the adoption of children.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 710—An Act to amend Section 1222 of the Code of Civil Procedure of California—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

Also: Senate Bill No. 711—An Act to amend Section 692 of the Code of Civil Procedure of the State of California, relating to the trial of issues of fact in civil actions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 286—An Act to amend Section 3805 of the Political Code, relating to the revenue and taxes of the State of California, and providing a method for the cancellation of tax sales and deeds in certain cases.

Also: Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code, all of said sections relating to public lands and revenue and taxation.

Also: Senate Bill No. 636—An Act to amend Sections 3840, 3845, 3846, 3851, 3853, 3854, 3857, 3858, and 3862 of the Political Code of the State of California, relating to poll tax and the collection thereof.

Also: Senate Bill No. 715—An Act to amend Section 953 of the Code of Civil Procedure, relating to records on appeals, and to the certification and transmission thereof.

Also: Senate Bill No. 304—An Act to amend Section 690 of the Code of Civil Procedure, relating to exemptions from execution.

Also: Senate Bill No. 320—An Act to amend Sections 3746, 3756, 3758, 3759, 3764, and 3767 of the Political Code, relating to the time of payment of taxes.

Also: Senate Bill No. 328—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting typewriters and bicycles from execution.

Also: Senate Bill No. 433—An Act to amend Section 3546 and Section 3547 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Also: Senate Bill No. 473—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Also: Senate Bill No. 546—An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessor.

Also: Senate Bill No. 567—An Act to amend an Act known as the Code of Civil Procedure of California, approved March 11, 1872, by amending Sections 1474, 1475, 1476, and 1486, and adding a new section, to be known as Section 1479, relating to the administration of the homestead.

Also: Senate Bill No. 568—An Act to amend an Act known as the Code of Civil Procedure of California, approved March 11, 1872, by amending Sections 1464, 1465, 1466, 1467, 1468, and 1469, and repealing Section 1470 thereof, relating to the provision for the support of the families of deceased persons.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 86—An Act to amend Section 1197 of the Code of Civil Procedure, relating to independent rights of action in cases of liens.

Also: Assembly Bill No. 89—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895, by amending Section 669 thereof, relating, respectively, to the appointment of a time for the election of an assignee and to costs in cases of involuntary insolvency.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 769—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments and validating records heretofore made.

Also: Assembly Bill No. 827—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Also: Assembly Bill No. 113—An Act to repeal Section 415 of the Political Code of California, relative to the translation of the laws into Spanish, and their distribution.

Also: Assembly Bill No. 420—An Act to amend Section 581 of the Code of Civil Procedure.

Also: Assembly Bill No. 461—An Act to amend Section 963 of the Code of Civil Procedure.

Also: Assembly Bill No. 462—An Act to amend Section 973 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 403, 404, 406, 569, 570, 571, 605, 622, 634, 688, 695, 711, 286, 330, 636, 715, 304, 320, 328, 433, 474, 546, 567, and 568, and Assembly Bills Nos. 30, 86, 89, 769, 827, 113, 420, 461, and 462, ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 710—An Act to amend Section 1222 of the Code of Civil Procedure of California.

Consent granted.

Senate Bill No. 710 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 154—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 360—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution.

Also: Senate Bill No. 686—An Act making an appropriation to pay the claim of Theodore A. Bell.

Also: Senate Bill No. 82—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates for the remainder of the forty-eighth fiscal year.

Also: Assembly Bill No. 108—An Act making an appropriation to pay for the sup-

port of the Southern California State Asylum for the Insane for the remainder of the forty-eighth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 154, 360, 686, and 82, and Assembly Bill No. 108, ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 414—An Act entitled an Act to amend Section 1142 of the Political Code of the State of California, relating to elections.

Also: Senate Bill No. 518—An Act to amend Sections 1083, 1204, 1230, 1231, and 1236 of the Political Code, relative to qualification, registration, and challenging of electors.

Also: Senate Bill No. 492—An Act to amend Sections 1054, 1055, 1083, 1144, 1145, 1174, 1192, 1193, 1194, 1195, 1197, 1200, 1249, 1253, 1254, 1255, 1257, 1258, 1259, 1260, 1261, 1281, 1282, 1283, 1284, 1285, 1287, 1288, 1289, 1290, 1291, 1314, and 1347, and to repeal Sections 1308, 1309, 1313, 1344, 1345, and 1346 of the Political Code, relating to elections.

Have had the same under consideration, and respectfully report the same back without recommendation.

STRATTON, Chairman.

Senate Bills Nos. 414, 518, and 492 ordered on file for second reading.

RECALL OF BILL.

Senator Dickinson moved that Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game—finally passed on a previous day, be recalled from the Assembly, for the purpose of correction.

Motion carried, and the Secretary directed to prepare and transmit to the Assembly a message asking return of Assembly Bill No. 452, for the purpose above set forth.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Dwyer moved a reconsideration of the vote whereby Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses—was, on Friday, February 19th, passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Aram, Brauhart, Bulla, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Linder, Luchsinger, Mahoney, Shippee, Smith, Stratton, Toner, Trout, and Wolfe—20.

NOES—Senators Androus, Chapman, Denison, Dickinson, Franck, Gleaves, Holloway, Morehouse, Seawell, Shine, Simpson, Voorheis, and Withington—13.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposi-

tion of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Bill passed on file, but to retain its place.

Substitute for Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of bill.

The roll was called, and Substitute for Senate Bill No. 182 passed by the following vote:

AYES—Senators Aram, Boyce, Bulla, Denison, Dickinson, Dwyer, Flint, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Trout, Voorheis, and Wolfe—24.

NOES—Senators Brauhart, Doty, Feeney, Franck, Smith, Stratton, and Withington—7.

Title read and approved.

Senate Bill No. 362—An Act authorizing the Secretary of State to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as Janitor's Clerk, who shall keep the accounts of the supply department, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

Bill passed on file, but to retain its place.

Senate Bill No. 117—An Act governing the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

The bill having been read a third time on a previous day.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 117, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 407, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Smith, Senator Jones was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 3, line 8, the words "of two grades."

Also: By inserting in Section 3, after line 13, the following:

Third—Primary School: authorizing the holder to teach in any primary school in the State.

Also: By inserting in Section 3, after the word "California," in line 28, the following:

Fifth—Primary school life diplomas may be issued only to such persons as have held for three years, and who still hold, a valid primary school certificate, or a certificate or diploma of California, which is the equivalent of a primary school certificate, and who shall furnish satisfactory evidence of having had a successful experience of teaching of not less than eighty months, twenty-four of which must have been in the public schools of California.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 407, with instructions to amend, respectfully reports the same back, amended as per instructions.

JONES, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 442—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1792½ thereof, relating to the sale of the interest of a ward in homestead property.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 442, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 442 passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

At ten o'clock and fifty-four minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Bill passed on file temporarily.

Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 413, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 413 refused passage by the following vote:

AYES—Senators Aram, Braunhart, Chapman, Doty, Dwyer, Feeney, Hall, La Rue, Mahoney, Morehouse, Frisk, Stratton, and Toner—13.

NOES—Senators Androus, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Seawell, Simpson, Smith, Trout, Voorheis, and Wolfe—18.

NOTICE OF RECONSIDERATION.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 413 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns in road districts where the population is at least five hundred, and the manner of ascertaining said population.

Bill passed on file, but to retain its place.

Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 424, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

The title of said Act should be amended by striking out the words "An Act entitled an Act to establish a," and inserting the word "the" after the word "of" in line 2.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 424 refused passage by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Hall, Jones, Linder, Morehouse, Shippee, Simpson, Smith, and Wolfe—17.

NOES—Senators Aram, Boyce, Denison, Gillette, Gleaves, Holloway, La Rue, Luchsinger, Mahoney, Seawell, Shine, Trout, Voorheis, and Withington—14.

NOTICE OF RECONSIDERATION.

Senator Withington gave notice that he would, on next legislative day, move a reconsideration of the vote whereby Senate Bill No. 424 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

The following reports of the Committee on Rules and Revision were received and read:

SENATE CHAMBER, SACRAMENTO, February 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 257, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

Your committee would call attention to the fact that Section 4 of the substitute for Senate Bill No. 17 provides for a stenographer for the Police Court, and has passed the Senate. Your committee would therefore recommend that Senate Bill No. 257 be withdrawn by the author.

SEAWELL, for the Committee.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 257, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco." approved March 31, 1891.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 490, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator La Rue, Senator Dickinson was appointed a special committee of one to amend Section 2 of bill so that said section shall read:

SEC. 2. This Act shall take effect July 1, 1899.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 490, with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendment lost.

On motion of Senator Dickinson, Senator La Rue was appointed a special committee of one to amend Section 2 of bill to read as follows:

SEC. 2. This Act shall take effect July 1, 1898.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 490, with instructions to amend, respectfully reports the same back, amended as per instructions.

LA RUE, Committee.

AYES AND NOES.

On the adoption of the report of the special committee of one and amendment, the ayes and noes were demanded by Senators Dickinson, Seawell, and Doty.

The roll was called, and the report of special committee of one and amendment adopted by the following vote:

AYES—Senators Aram, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, La Rue, Luchsinger, Prisk, Seawell, Shine, Toner, Withington, and Wolfe—18.
NOES—Senators Androus, Boyce, Denison, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Mahoney, Morehouse, Simpson, Smith, Stratton, and Trout—15.

Bill ordered to reprint and reëngrossment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 23, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 269—An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 275—An Act to amend Section 388 of the Civil Code of the State of California, relative to the sale of a franchise to collect tolls.

Also: Senate Bill No. 268—An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 16—An Act to reappropriate \$125,000 for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.

Also: Senate Bill No. 270—An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.

Also: Senate Bill No. 135—An Act to prohibit the adulteration of honey, and to provide a punishment therefor.

JAMES H. BUDD, Governor.

At eleven o'clock and thirty minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

THIRD READING OF BILLS—(RESUMED).

On suggestion of Senator Seawell, Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith—this day temporarily passed on file, was taken up for consideration.

Bill read third time.

On motion of Senator Seawell, Senator Androus was appointed a special committee of one to amend bill as follows:

By striking out of Section 1 all after line 72, page 3, printed bill.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred amended Senate Bill No. 314, with instructions to amend, respectfully reports the same back, amended as per instructions.

ANDROUS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 351—An Act entitled "An Act to amend Section 1196 of the Political Code," relating to elections.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 351, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 351 passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Luchsinger, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

Title read and approved.

Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill 422, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows:

The title should be amended by striking out of line 6 the word "two," and inserting in place thereof the word "three"; also, by inserting in line 7 of the title, after the word "Section," the figures "1946."

Also: In line 13 of Section 5, strike out the word "title," and insert in place thereof the word "section."

Also: In Section 12, after the figures "12," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 1946 thereof, to read as follows"; also, in Section 12, after the figures "1946," strike out the figure "1," in line 1.

Also: In line 11 of Section 12, strike out the figure "2."

Also: In line 1 of the next section, and before the word "Section," insert the following: "Sec. 13."

Also: In same section renumber all subdivisions after subdivision 4.

Also: In line 1 of Section 13, strike out the figures "13," and insert the figures "14."

Also: In line 1 of Section 14, strike out the figures "14," and insert the figures "15."

Also: In line 1 of Section 15, strike out the figures "15," and insert the figures "16."

Also: In line 1 of Section 16, strike out the figures "16," and insert the figures "17."

Also: At the beginning of line 4 of Section 16, insert the word "Section."

Also: In line 1 of Section 17, strike out the figures "17," and insert the figures "18."

Also: In line 1 of Section 18, strike out the figures "18," and insert the figures "19."

Also: After line 10 of Section 18, insert the following:

"Sec. 20. Section 1890 of the Political Code of the State of California is hereby amended to read as follows:"

Also: Insert the word "Section" before the figures "1890."

Also: In line 1 of Section 19, strike out the figures "19," and insert the figures "21."

Also: In line 1 of Section 20, strike out the figures "20," and insert the figures "22."

Also: In line 1 of Section 21, strike out the figures "21," and insert the figures "23."

Also: In line 1 of Section 22, strike out the figures "22," and insert the figures "24."

Also: In line 1 of Section 23, strike out the figures "23," and insert the figures "25."

Also: In line 15 of Section 23, after the word "whom," insert the words "except the surgeons."

Also: In line 16 of Section 23, after the word "of," strike out the comma.

Also: In line 25 of Section 23, after the word "whom," insert the words "except the surgeon."

Also: At the beginning of the first line, page 14, insert the words "Section 26."

Also: In the same line, after the word "three," insert the words "of the Political Code of the State of California."

Also: In line 3 of the same section, before the figures "2003," insert the word "Section."

Also: In line 1 of Section 24, strike out the figures "24," and insert the figures "27."
Also: In line 11 of Section 24, after the word "whom," insert the words "except the surgeon."
Also: In line 1 of Section 25, strike out the figures "25," and insert the figures "28."
Also: In line 3 of Section 25, before the figures "2007," insert the word "Section."
Also: In line 12 of Section 25, after the word "whom," insert the words "except the surgeon."
Also: In line 1 of Section 26, strike out the figures "26," and insert the figures "29."
Also: In line 1 of Section 27, strike out the figures "27," and insert the figures "30."
Also: To renumber the succeeding sections.
Also: At the beginning of line 1, on page 23, insert the following: "Sec. 38."
They therefore recommend that Senator Dickinson be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In compliance with the report of the Committee on Rules and Revision, Senator Dickinson was appointed a special committee of one to amend as suggested.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 422, with instructions to amend as per suggestions of Committee on Rules and Revision, has done so, and further amended by striking out the word "four" on line 24 of page 22 of printed bill, and inserting the word "five" in lieu thereof; also, by adding a new section thereto, as follows:

SEC. 39. This Act shall take effect immediately.

DICKINSON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

Substitute for Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 480, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Dickinson, Senator La Rue was appointed a special committee of one to amend by substituting the following for bill:

An Act to amend Section 465 of the Civil Code, relating to the powers of railroad corporations.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 465 of the Civil Code is hereby amended so as to read as follows:

Section 465. Every railroad corporation has power:

1. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purposes, their officers, agents, and employes may enter upon the lands or waters of any person, subject to liability for all damages which they do thereto.

2. To receive, hold, take, and convey, by deed or otherwise, as a natural person, such voluntary grants and donations of real estate and other property which may be made to it, to aid and encourage the construction, maintenance, and accommodation of such railroad.

3. To purchase, or by voluntary grants or donations to receive, enter, take possession of, hold and use, all such real estate and other property as may be absolutely necessary for the construction and maintenance of such railroad, and for all stations, depots, and other purposes necessary to successfully work and conduct the business of the road.

4. To lay out its road, not exceeding nine rods wide, and to construct and maintain the same, with a single or double track, and with such appendages and adjuncts as may be necessary for the convenient use of the same.

5. To construct their road across, along, or upon any stream of water, watercourse,

roadstead, bay, navigable stream, street, avenue, or highway, or across any railway, canal, ditch, or flume, which the route of its road intersects, crosses, or runs along, in such manner as to afford security for life and property; but the corporation shall restore the stream or watercourse, road, street, avenue, highway, railroad, canal, ditch, or flume thus intersected to its former state of usefulness, as near as may be, or so that the railroad shall not unnecessarily impair its usefulness or injure its franchise.

6. To cross, intersect, join, or unite its railroad with any other railroad, either before or after construction, at any point upon its route, and upon the grounds of such other railroad corporation, with the necessary turnout, sidings, and switches, and other conveniences in furtherance of the objects of its connections; and every corporation whose railroad is or shall be hereafter intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections, and grant facilities therefor; and if the two corporations cannot agree upon the amount of compensation to be paid therefor, or the points or the manner of such crossings, intersections, and connections, the same shall be ascertained and determined as is provided in Title VII, Part III, Code of Civil Procedure, and any railroad corporation may contract with another corporation for the passage over its railroad tracks of locomotives and cars, and the running of railroad trains thereon, owned and operated by such other railroad corporation.

7. To purchase lands, timber, stone, gravel, or other materials, to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts, or acquire them in a manner provided in Title VII, Part III, Code of Civil Procedure, for the condemnation of lands, and to change the line of its road, in whole or in part, whenever a majority of the directors so determine, as is provided hereinafter; but no such change must vary the general route of such road, as contemplated in its articles of incorporation.

8. To carry persons and property on their railroad, and receive tolls or compensation therefor.

9. To erect and maintain all necessary and convenient buildings, stations, depots, fixtures, and machinery for the accommodation and use of their passengers, freight, and business.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor, within the limits prescribed by law, and subject to alteration, change, or amendment by the Legislature at any time.

11. To regulate the force and speed of their locomotives, cars, trains, or other machinery used and employed on their road, and to establish, create, and enforce all needful and proper rules and regulations for the management of its business transactions, usual and proper for railroad corporations.

12. To purchase any railroad, or part thereof, lands, franchises, rights, privileges, powers, and immunities of any railroad corporation created by or under any law of the United States, or of any State or Territory, situated in whole or in part in the State of California, which may be sold by virtue of any mortgage or deed of trust, or pursuant to the judgment or decree on execution of any court of competent jurisdiction.

13. When a purchase is made of any railroad, or part thereof, or lands, franchises, rights, privileges, powers, and immunities of any railroad company sold pursuant to any sale under any mortgage or deed of trust, or pursuant to any sale under a judgment or decree of any court of competent jurisdiction, or execution issued thereunder, the same may be operated by the company purchasing under the franchises, rights, privileges, powers, and immunities of the company whose property is sold and purchased as aforesaid.

14. Any railroad company may buy and sell, or lease, the whole or any portion of any railroad situated in this State.

SEC. 2. This Act shall take effect and be in force from and after its passage.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 480, with instructions to amend, respectfully reports the same back, amended as per instructions.

LA RUE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file, but to retain its place.

Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read :

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 451, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, Committee.

On motion of Senator Braunhart, Senator Smith was appointed a special committee of one to amend as follows:

Strike out all of Section 4, and renumber Section 5.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 451, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reengrossment.

Senate Bill No. 348—An Act prohibiting the establishing, locating, placing, or maintaining of any hospital, sanitarium, building, or other structure used, or intended to be used, for the reception, care, or treatment of any person or persons afflicted with any contagious or infectious disease, within three thousand feet of any lake, pond, river, creek, ditch, or reservoir, the water of which is or may be used for domestic purposes other than in said institution; and forbidding any person or corporation from receiving, accepting, caring for, or treating any person or persons afflicted with any contagious or infectious disease in any such hospital, sanitarium, building, or other structure within three thousand feet of any lake, pond, river, creek, ditch, or reservoir, the water of which is or may be used for domestic purposes other than in such institution.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 348, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 348 passed by the following vote:

AYES—Senators Aram, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Trout, Voorheis, and Wolfe—27.

NOES—None.

Title read and approved.

Senate Bill No. 515—An Act prescribing the manner of locating and relocating mining claims and millsites upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 515, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 515 passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Bill passed on file temporarily.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and

2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 372, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file temporarily.

Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property.

Bill passed on file temporarily.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

Bill read third time, and passed on file temporarily.

Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 396, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Dickinson, Senator Bulla was appointed a special committee of one to amend bill as follows:

Amend Section 1, line 10, of printed bill, by inserting after the word "State," the words "except steam railroads, telegraph lines, and renewal of franchises for piers, chutes, and wharves."

Also: Strike out last section.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 396, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill passed on file, but to retain its place.

Assembly Bill No. 68—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill passed on file, but to retain its place.

Assembly Bill No. 170—An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.

The bill having been read a third time on a previous day, the question was on its final passage.

The roll was called, and Assembly Bill No. 170 finally passed by the following vote:

AYES—Senators Aram, Bert, Bulla, Chapman, Denison, Dickinson, Franck, Gillette, Gleaves, Hall, Holloway, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—22.

NOES—Senators Androus, Boyce, Braunhart, and Doty—4.

Title read and approved.

Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 622, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 622 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—35.

NOES—None.

Title read and approved.

At two o'clock and forty minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights.

Bill read third time on a previous day.

On his own motion, Senator Dickinson was appointed a special committee of one to amend bill as follows:

By striking out of Section 2 all after "offense," on line 14, of Section 2, and inserting "shall be liable in damages in an amount not less than fifty dollars, which may be recovered in an action at law brought for that purpose."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

AYES AND NOES.

On the adoption of the report of the special committee of one and amendment, the ayes and noes were demanded by Senators Dickinson, Seawell, and Doty.

The roll was called, and the report of special committee of one and amendment adopted by the following vote:

AYES—Senators Bert, Boyce, Braunhart, Dickinson, Doty, Dwyer, Feeney, Franck, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Smith, Voorheis, and Wolfe—19.

NOES—Senators Androus, Bulla, Chapman, Denison, Flint, Gleaves, Henderson, Holloway, Linder, Mahoney, Simpson, Stratton, Toner, Trout, and Withington—15.

Bill ordered to print.

On motion of Senator Withington, Assembly Bill No. 372, this day read third time and passed temporarily on file, was taken up for further consideration.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

On motion of Senator Withington, Senator Seawell was appointed a special committee of one to amend as follows:

By striking out of Section 1 line 6, and inserting the following: "One phonographic reporter, three thousand dollars, and one phonographic reporter, twenty-four hundred dollars."

Also: By striking out of Section 1 all of line 7, and inserting the following: "One secretary of the court, twenty-four hundred dollars, and one secretary of the court, twelve hundred dollars."

Also: By inserting in Section 1, line 8, after the word "dollars," the words "and one bailiff, twelve hundred dollars."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 372, with instructions to amend, respectfully reports the same back, amended as per instructions.

SEAWELL, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

RECONSIDERATION.

Senator Voorheis moved that the vote whereby Assembly Bill No. 622 was this day finally passed be reconsidered, for the purpose of correcting bill.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Trout, Voorheis, and Wolfe—34.

NOES—None.

Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

The question recurring on the final passage of the bill.

On motion of Senator Simpson, Senator Voorheis was appointed a special committee of one to amend bill as follows:

By striking out of Section 12, line 6, the word "seventeen," and inserting in lieu thereof the word "sixteen."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 622, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Bill passed on file, but to retain its place.

Assembly Bill No. 23—An Act entitled an Act to amend Section 1575 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 273—An Act to amend Section 170 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualification of Judges, as amended by an Act approved March 23, 1893.

Senator Morehouse moved that Assembly Bill No. 273 be refused third reading.

The roll was called, and the motion lost by the following vote:

AYES—Senators Aram, Brauhart, Chapman, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Morehouse, Smith, Trout, and Withington—15.

NOES—Senators Androus, Bert, Bulla, Denison, Dickinson, Doty, Feeney, Hall, Henderson, Linder, Mahoney, Seawell, Shine, Shippee, Stratton, Toner, Voorheis, and Wolfe—18.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 273, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

At three o'clock and twenty-eight minutes P. M., Senator Simpson moved that the time for the consideration of Assembly bills be extended until Assembly Bill No. 273 be disposed of.

So ordered.

Assembly Bill No. 273 read third time.

On motion of Senator Voorheis, further consideration of Assembly Bill No. 273 was postponed until next legislative day.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was submitted by Senator Holloway:

Resolved, That a special urgency file be established by the Senate, and that each Senator be entitled to place one bill on said file and to renew it as his former bill is considered, and that said file shall be considered on each legislative day from and after eight o'clock P. M.; that Senators be called in alphabetical order on Monday, March 1st, at eleven o'clock A. M. for first filling of the file. Said file shall be called alternately from top and bottom of same.

AYES AND NOES.

On the adoption of the resolution, the ayes and noes were demanded by Senators Holloway, Bert, and Androus.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Androus, Aram, Bert, Denison, Flint, Franck, Gleaves, Holloway, Luchsinger, Mahoney, Prisk, Seawell, Simpson, Stratton, Trout, and Voorheis—16.

NOES—Senators Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Hall, Henderson, Jones, La Rue, Morehouse, Shine, Shippee, Toner, Withington, and Wolfe—16.

The following resolution was submitted by Senator Voorheis:

Resolved, That after March 1st all debates be limited to five minutes, to each Senator.

Resolution adopted.

The following resolution and voucher were submitted by Senator Simpson:

Resolved, That the Controller be directed to draw his warrant in favor of Tom Scott for the sum of \$18 50, in payment for one electric lamp, and labor putting in a basin, by order of Secretary of the Senate, the said sum to be paid out of the Contingent Fund of the Senate.

Sold to Sergeant-at-Arms of the Senate:

January	9—25 feet electric silk cord.....	\$1 25
	9—1 W. H. electric socket	50
	9—1 6-inch block	50
	9—1 electric desk, portable	7 50
	9—Labor, lowering fixtures and putting in electric wires for desk light, Secretary's desk (paid to Secretary).....	6 00
		<hr/> \$15 75
	29—1 electric portable, complete, with McCreary shade (paid to Secretary).....	15 00
February	6—1 electric portable, complete, with McCreary shade	15 00
	6—Labor, putting in basin	3 50
		<hr/> \$49 25
	15—Credit by cash on account	15 50
		<hr/> \$33 75

Resolution and voucher referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Substitute for Senate Bill No. 689—An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Also: Senate Bill No. 445—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto two sections, to be numbered 288 and 289, to punish the crimes of open and notorious cohabitation and adultery.

Also: Substitute for Senate Bill No. 618—An Act to provide for the transfer from the Whittier State School, at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California and heretofore used by the "California Home for the Care and Training of Feeble-Minded Children," in the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of

female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

Also: Senate Bill No. 586—An Act to amend Sections 364 and 680 of the Political Code, and to add a new section thereto, to be known as Section 686 of the Political Code, all relating to the State Board of Examiners.

Also: Senate Bill No. 536—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Also: Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

Also: Senate Bill No. 180—An Act to amend "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts, for the purpose of sale, and providing a penalty for the selling, or offering for sale, any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

JONES, Chairman.

Substitute for Senate Bill No. 689, Senate Bills Nos. 445, 586, 536, 193, 180, and Substitute for Senate Bill No. 618, ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate bills as follows:

Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces—and presented the same to the Governor on this day, at ten o'clock and thirty-five minutes A. M.

Also: Senate Bill No. 120—An Act to legalize certain acknowledgments.

Also: Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.

Also: Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Also: Senate Bill No. 310—An Act for the protection of the Antwerp messenger, or homing pigeon.

And presented the same to the Governor on this day, at twelve o'clock and fifty-five minutes P. M.

Also: Senate Bill No. 122—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estate and discharge of executors and administrators.

Also: Senate Bill No. 67—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663, 663½, respectively, providing for the setting aside of a judgment of a Superior Court, and the rendition of a new judgment without a new trial.

Also: Senate Bill No. 721—An Act making an appropriation for the contingent expenses of the Senate, for the thirty-second session of the Legislature.

And presented the same to the Governor on this day, at three o'clock and forty minutes P. M.

JONES, Chairman.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Bert, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 23d day of February, amended, and passed as amended, the following:

Senate Bill No. 145—An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders.

Also: Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889, and to amend also the amendment to Section 7 of said Act, approved March 31, 1891.

S. J. DUCKWORTH, Chief Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 145.

ASSEMBLY AMENDMENT.

Amend Section 1 of the printed bill by striking out all after the word "unless," in line 9, down to and including the word "affirmatively," in line 10, and inserting in lieu thereof the words "it shall appear from the record."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 145?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—27.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 145 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 13.

ASSEMBLY AMENDMENT.

Amend by inserting in line 15 of Section 2, of the printed bill, after the words "pension fund," the following: "*provided*, that whenever such disability shall cease, such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 13?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—27.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 13 ordered to enrollment.

At four o'clock and fifteen minutes P. M., Lieutenant-Governor William T. Jeter resumed the chair.

THIRD READING OF BILLS—(RESUMED).

Senator Withington asked unanimous consent to have taken up for consideration Senate Bill No. 274.

Consent granted.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

On motion of Senator Withington, Senator Voorheis was appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, line 12, the words "without sectarian bias or control."

Also: In line 13, the words "and declared to be public," and inserting, in lieu of the words stricken out of line 13, the following: "as public technical."

Also: Insert in line 14, after the words "meaning of," the words "Section 6 of Article IX, and."

Also: Strike out of line 15 the words "where the whole net proceeds of the endowment is," and insert in lieu the following: "the grounds, buildings, and all personal property of such institutions thus."

Also: Strike out line 16, and the words "ends its property is," in line 17, and inserting in lieu thereof "solely to purposes of free education are."

Also: In line 18, change the word "section" to "sections."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 274, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

RECALL OF BILL.

On motion of Senator Dickinson Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads—was recalled from the printer for correction.

RECESS.

At four o'clock and thirty minutes P. M., the Senate took a recess until eight o'clock P. M., on motion of Senator Mahoney.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Prisk, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 382—An Act to empower the legislative body of any incorporated city or town within the State of California to levy taxes and expend the same in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees.

Senator Jones asked unanimous consent to withdraw Senate Bill No. 382.

Consent granted.

Senate Bill No. 382 withdrawn, and ordered stricken from the file.

Senate Bill No. 489—An Act to amend Section 3051 of the Civil Code, relative to sale of stock left in pasture or stables.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 489, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 489 passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Bulla, Chapman, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

Title read and approved.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Bill passed on file, but to retain its place.

Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 102, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 102 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunnhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—Senator Stratton—1.

Title read and approved.

Senate Bill No. 265—An Act entitled "An Act to amend Section 3009 of the Political Code," relating to the appointment of officers and employés by the San Francisco Board of Health.

Bill passed on file temporarily.

Senate Bill No. 512—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county Boards of Election Commissioners.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 512, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Stratton, Senator La Rue was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 1 lines 34, 35, 36, and 37 of the printed bill.

Also: Strike out in line 47, Section 1, beginning with word "one," down to and including the word "aforesaid," line 48.

Also: Strike out of line 55, Section 1, after the word "manner," down to and including the word "thereto," in line 57.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 512, with instructions to amend, respectfully reports the same back, amended as per instructions.

LA RUE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment, but to retain its place on file.

Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 169—An Act to promote the safety of employes and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 169, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator La Rue, Senator Stratton was appointed a special committee of one to amend bill as follows:

Amend Section 1 by adding thereto the following: "And no person, company, or corporation, operating cars propelled by electricity on the streets of cities or towns, or on the county roads within the State, for the conveyance of passengers, shall run, operate, or use any such car unless each car, while in use, shall be fitted with a track brake capable of bringing such car to a stop within a distance of twenty feet."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Substitute for Senate Bill No. 169, with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Morehouse, Senator La Rue was appointed a special committee of one to amend bill as follows:

Amend by striking out of line 1, Section 2, the words "company or corporation."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Substitute for Senate Bill No. 169, with instructions to amend, respectfully reports the same back, amended as per instructions.

LA RUE, Committee.

Report of special committee of one and amendment lost.

Bill ordered to reprint and reëngrossment.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe introduced the following concurrent resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 6.

Resolved by the Senate, the Assembly concurring, That Joint Rule XLVIII be and the same is hereby temporarily suspended for this date only, for the purpose of introducing a bill in the Senate.

Resolution read.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Wolfe—31.

NOES—Senators Boyce, Dickinson, and Withington—3.

Resolution ordered immediately transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 130—An Act to amend the Code of Civil Procedure, by adding a new section, to be known as Section 730, relating to attorney's fees in suits for the foreclosure of mortgages.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Committee Substitute for Senate Bill No. 130, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Committee Substitute for Senate Bill No. 130 refused passage by the following vote:

AYES—Senators Aram, Bert, Chapman, Simpson, Stratton, Withington, and Wolfe—7.

NOES—Senators Androus, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Smith, Toner, and Trout—27.

Senate Bill No. 265—An Act entitled "An Act to amend Section 3009 of the Political Code," relating to the appointment of officers and employés by the San Francisco Board of Health.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 265, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 265 passed by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—25

NOES—Senators Bert, Dwyer, Feeney, Flint, Hall, Henderson, Mahoney, Morehouse, Toner, and Wolfe—10.

Title read and approved.

NOTICE OF RECONSIDERATION.

Senator Braunhart gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 265 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 90—An Act for the relief of district agricultural associations.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 90, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 90 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Langford, La Rue, Linder, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Voorheis, and Wolfe—28.

NOES—Senators Bulla, Jones, Luchsinger, Trout, and Withington—5.

Title read and approved.

Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill passed on file, but to retain its place.

Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 483, have examined the same, and report that the object cannot be secured under the existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: that Section 1 of said bill should be amended by inserting in line 2, after the word "corporations," the words "approved March 2, 1883."

They therefore recommend that Senator Bulla be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In compliance with the report of the Committee on Rules and Revision, Senator Bulla was appointed a special committee of one to amend as suggested.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 483, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to reprint and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 246—An Act making an appropriation to pay the claims of James McClatchy & Co., publishers of the Bee, for advertising the constitutional amendments.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Also: Assembly Bill No. 230—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard.

Also: Assembly Bill No. 248—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Also: Assembly Bill No. 245—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Also: Assembly Bill No. 178—An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor, during the year 1894.

Also: Assembly Bill No. 209—An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners.

Also: Assembly Bill No. 405—An Act making an appropriation for improving the Capitol buildings and grounds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 234—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 247—An Act for the relief of John Mullan, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Also: Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Also: Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Also: Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Also: Senate Bill No. 206—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

VOORHEIS, Chairman.

Assembly Bills Nos. 246, 483, 250, 248, 245, 478, 209, 405, and 204, and Senate Bills Nos. 247, 642, 643, 644, 645, and 206, ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 494—An Act to amend Sections 354, 1489, 1491, 1492, 1495, 1497, 1501, 1503, and 1505, and to repeal Sections 1504 and 1506 of the Political Code, relating to State Normal Schools.

Also: Reëngrossed Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and

designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

JONES, Chairman.

Senate Bills Nos. 494 and 249 ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Voorheis asked unanimous consent to withdraw Senate Bill No. 396—An Act to amend an Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874—and substitute therefor on file Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

Consent granted.

Senate Bill No. 396 withdrawn and ordered stricken from the file, and Senate Bill No. 647 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 541—An Act to amend an Act entitled "An Act concerning the waterfront of the City and County of San Francisco," approved March 15, 1878.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 541, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 541 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 524—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 524, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 524 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State.

Bill passed on file, but to retain its place.

Senate Bill No. 393—An Act to amend Sections 1817 and 1818 of the Political Code, relating to the public schools.

Bill passed on file, but to retain its place.

Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Bill passed on file, but to retain its place.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Bill passed on file, but to retain its place.

Senate Bill No. 484—An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence.

Bill passed on file, but to retain its place.

Senate Bill No. 534—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Bill passed on file, but to retain its place.

Senate Bill No. 535—An Act to add a new section to the Penal Code, to be designated as Section 354¾, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 535, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 535 passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Stratton, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

ADJOURNMENT.

At ten o'clock and twenty minutes p. m., on motion of Senator Boyce, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 24, 1897. }

The Senate met pursuant to adjournment, at ten o'clock a. m.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Saturday, February 20, 1897, was approved.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Wolfe moved a reconsideration of the vote whereby Assembly Bill No. 457—An Act to add a new section to the Code of Civil Procedure, to be known as Section 811 thereof, relating to dissolution of corporations—was refused final passage.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Braunhart, Doty, Dwyer, Feeney, Hall, Langford, La Rue, Luchsinger, Mahoney, Seawell, Smith, Stratton, Toner, Withington, and Wolfe—15.

NOES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Linder, Morehouse, Pedlar, Shine, Shippee, Simpson, Trout, and Voorheis—23.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Wolfe moved a reconsideration of the vote whereby Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.

NOES—Senator Denison—1.

On motion of Senator Withington, Senator Wolfe was appointed a special committee of one to amend bill as follows:

Amend by inserting in bill, line 13, after the word "however," the words "for the purposes of the trust."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 413, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Seawell, Senate Bill No. 413 was ordered on file in the place where it was yesterday when it was refused passage.

Bill ordered to reprint and reëngrossment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Withington moved a reconsideration of the vote whereby Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Denison, Doty, Dwyer, Flint, Franck, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—27.

NOES—Senators Bert, Chapman, Dickinson, Feeney, Gillette, Seawell, and Stratton—7.

Senate Bill No. 424—An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions.

The vote whereby Senate Bill No. 424 was on a previous day refused passage having been reconsidered, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 424 passed by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Denison, Doty, Dwyer, Franck, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Toner, Voorheis, Withington, and Wolfe—24.

NOES—Senators Bert, Dickinson, Feeney, Flint, Gillette, Mahoney, Prisk, Seawell, Stratton, and Trout—10.

Title read and approved.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 11—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact insurance business in the State of California.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bert moved a call of the Senate.

AYES AND NOES.

The ayes and noes were demanded by Senators Seawell, Bert, and Morehouse.

The roll was called, and the motion for a call of the Senate carried by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Jones, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Trout, and Withington—20.

NOES—Senators Braunhart, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Linder, Luchsinger, Mahoney, Shippee, Smith, Stratton, and Toner—17.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Secretary announced that there were no Senators absent without leave.

On motion of Senator Bert, further proceedings under call of the Senate were dispensed with.

The President then announced that Senate Bill No. 11 was passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Holloway, Jones, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Trout, Voorheis, Withington, and Wolfe—24.

NOES—Senators Androus, Braunhart, Feeney, Gleaves, Hall, Henderson, Langford, La Rue, Linder, Luchsinger, Mahoney, Shippee, Smith, Stratton, and Toner—15.

Title read and approved.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 249—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

The bill having been refused passage on a previous day, and the vote whereby it was refused passage having been reconsidered, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 249 refused passage by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Gleaves, Hall, Jones, Seawell, Simpson, Stratton, Voorheis, and Wolfe—17.

NOES—Senators Bert, Bulla, Flint, Franck, Gillette, Henderson, Holloway, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Smith, Trout, and Withington—18.

Senate Bill No. 362—An Act authorizing the Secretary of State to appoint an additional clerk in his office, in addition to the number now

allowed by law, to be known as Janitor's Clerk, who shall keep the accounts of the supply department, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

Bill passed on file, but to retain its place.

Senate Bill No. 117—An Act governing the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the passage of the bill.

The roll was called, and Senate Bill No. 117 refused passage by the following vote:

AYES—Senators Androus, Braunnhart, Bulla, Chapman, Doty, Holloway, Jones, Langford, La Rue, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—17.

NOES—Senators Aram, Boyce, Denison, Dickinson, Dwyer, Feency, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Toner, and Wolfe—21.

NOTICE OF RECONSIDERATION.

Senator Seawell gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 117 was this day refused passage.

COMMUNICATION—(OUT OF ORDER).

Senator Wolfe presented the following resignation, which was read and ordered printed in the Journal:

SACRAMENTO, February 23, 1897.

HON. E. I. WOLFE: I hereby tender my resignation as Bill Clerk of the Senate, to take effect this date.

Yours respectfully,

GEORGE W. ROHE.

Resignation accepted.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was submitted by Senator Smith:

Resolved, That on Thursday morning, immediately after the report of standing committees, a special urgency file be made up, each member being permitted to place one bill thereon, this special file to be considered at the evening sessions of the Senate.

Resolution referred to the Committee on Rules and Revision.

The following resolution was submitted by Senator Voorheis:

Resolved, That the Senate re-refer to the Committee on Finance for further consideration Senate Bill No. 206—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Also: Assembly Bill No. 234—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.

Resolution adopted.

Senate Bill No. 206 and Assembly Bill No. 234 re-referred to the Committee on Finance.

The following resolution was submitted by Senator Gillette:

WHEREAS, Ed M. Skinner was on the 6th day of January, 1897, appointed a Messenger to the Committee on Judiciary at a salary of \$4 per day; and

WHEREAS, He entered in and upon the discharge of his duties as such Messenger on the 10th day of January, 1897; and

WHEREAS, By omission he has not been paid for services rendered by him as such Messenger on the 10th, 11th, 12th, 13th, and 14th of January; now therefore, be it

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of Ed M. Skinner, Messenger, for the sum of \$20, as payment for five days' services as such Messenger rendered by him as aforesaid.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

The following resolution was submitted by Senator Wolfe:

WHEREAS, George W. Rohe, heretofore appointed Bill Clerk to the Senate, having resigned; be it

Resolved, That S. J. Jacobs be and he is hereby appointed Bill Clerk to the Senate, at a per diem of \$5, same to be paid out of the Contingent Fund of the Senate.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 273—An Act to amend Section 170 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualification of Judges, as amended by an Act approved March 23, 1893.

Bill read third time.

Senator Pedlar moved that Senator Seawell be appointed a special committee of one to amend bill as follows:

Insert after line 23, Section 1, the following: "*provided further*, that no person shall be allowed to file more than one such affidavit as is mentioned in subdivision four of this section."

Also: Renumber succeeding lines in Section 1.

AYES AND NOES.

The ayes and noes were demanded by Senators Seawell, Pedlar, and Bulla.

The roll was called, and the motion to appoint a special committee of one to amend lost by the following vote:

AYES—Senators Aram, Bulla, Chapman, Dickinson, Flint, Jones, La Rue, Luchsinger, Pedlar, Seawell, Stratton, and Withington—12.

NOES—Senators Androus, Bert, Dwyer, Feeney, Gillette, Hall, Henderson, Holloway, Langford, Linder, Mahoney, Morehouse, Prisk, Shine, Simpson, Smith, Toner, Trout, Voorheis, and Wolfe—20.

Senator Withington moved that Senator Simpson be appointed a special committee of one to amend bill as follows:

Amend by inserting, in Section 1, line 12, before the word "that," the words "filed before the trial, but not more than once."

AYES AND NOES.

The ayes and noes were demanded by Senators Braunhart, Pedlar, and Luchsinger.

The roll was called, and the motion to appoint a special committee of one to amend lost by the following vote:

AYES—Senators Aram, Braunhart, Chapman, Denison, Dickinson, Doty, Jones, La Rue, Luchsinger, Pedlar, Seawell, Stratton, and Withington—13.

NOES—Senators Androus, Bert, Bulla, Dwyer, Feeney, Flint, Gillette, Hall, Henderson, Holloway, Langford, Linder, Mahoney, Morehouse, Prisk, Shine, Simpson, Smith, Toner, Trout, Voorheis, and Wolfe—22.

The roll was called, and Assembly Bill No. 273 finally passed by the following vote:

AYES—Senators Androus, Bert, Bulla, Chapman, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Langford, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Stratton, Toner, Voorheis, and Wolfe—22.

NOES—Senators Braunhart, Denison, Dickinson, Flint, Gillette, Holloway, Jones, La Rue, Luchsinger, Simpson, Smith, Trout, and Withington—13.

Title read and approved.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

REPORT OF COMMITTEE ON CONFERENCE.

The following report was received and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: The undersigned, the conference committee appointed on the part of the Senate to meet a like committee appointed by the Assembly, with reference to disagreement between the two houses upon Assembly Concurrent Resolution No. 6, respectfully report, recommending that the Senate recede from its amendment to the resolution.

VOORHEIS,
LA RUE,
MOREHOUSE,
Senate Committee.

VALENTINE,
CUTTER,
SHANAHAN,
Assembly Committee.

Senator Dickinson moved that further consideration of the report be made a special order for Thursday, immediately after approval of Journal.

Motion lost.

The roll was called, and the report adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Langford, La Rue, Morehouse, Frisk, Seawell, Shine, Stratton, and Trout—21.

NOES—Senators Dickinson, Flint, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Shippee, Simpson, Smith, Withington, and Wolfe—14.

The Secretary was directed to inform the Assembly that the report of the committee on conference had been adopted.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 172—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Bill read third time.

The roll was called, and Assembly Bill No. 172 finally passed by the following vote:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Pedlar, Seawell, Shippee, Toner, and Trout—21.

NOES—Senators Aram, Boyce, Dickinson, Flint, Gillette, Holloway, Linder, Morehouse, Shine, Simpson, Stratton, Withington, and Wolfe—13.

Title read and approved.

LEAVE OF ABSENCE.

The members of the Committee on Mines, Drainage, and Mining Debris were granted a leave of absence for half an hour, on motion of Senator Gleaves.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Bill passed on file, but to retain its place.

Senate Substitute for Assembly Bill No. 264—An Act to amend Section 172 of the Civil Code, relative to the management and control of community property.

Bill read third time.

The roll was called, and Senate Substitute for Assembly Bill No. 264 refused passage by the following vote:

AYES—Senators Braunhart, Dickinson, Hall, Morehouse, Simpson, Withington, and Wolfe—7.

NOES—Senators Aram, Boyce, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Shippee, Smith, Stratton, and Trout—21.

Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

Bill passed on file, but to retain its place.

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill passed on file, but to retain its place.

Assembly Bill No. 68—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill passed on file, but to retain its place.

Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Bill passed on file, but to retain its place.

Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights.

Bill passed on file, but to retain its place.

At three o'clock and twenty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Bill read third time.

Bill passed on file, but to retain its place, and to be taken up to-morrow, under the head of unfinished business.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Bulla, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 23d day of February passed Assembly Bill No. 770—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages for trust deeds. (Substitute for Assembly Bill No. 148.)

Also: Assembly Bill No. 434—An Act to amend Sections 7 and 9 of an Act entitled an Act creating a Board of Bank Commissioners and prescribing their duties and powers, approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Also: Assembly Bill No. 892—An Act to amend an Act to provide a system of drainage for agricultural swamp and overflowed lands, approved March 3, 1881, by amending Section 9 thereof.

Also: Assembly Bill No. 916—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands.

Also: Assembly Bill No. 138—An Act entitled an Act to amend Section 2003 of the Political Code.

Also: On the 20th day of February adopted Assembly Joint Resolution 27—Relative to the punishment of seamen for leaving a vessel before the expiration of the term of service agreed upon.

Also: On the 23d day of February passed Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.

Also: Amended, and passed as amended, Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Also: Amended, and passed as amended, Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments.

Also: Passed Senate Bill No. 538—An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes.

Also: Passed Assembly Bill No. 843—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 770 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 434 read first time, and referred to the Committee on Banks and Banking.

Assembly Bills Nos. 892 and 916 read first time, and referred to the Committee on Public and Swamp and Overflowed Lands.

Assembly Bill No. 138 read first time, and referred to the Committee on Military Affairs.

Assembly Joint Resolution No. 27 referred to the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

Senate Bills Nos. 53 and 538 ordered to enrollment.

Assembly Bill No. 843 read first time, and ordered on file for second reading.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 44.

AMENDMENT No. 1.

Amend by adding after the word "do," in line 18 of the printed bill, the words "and that the signature of the said officer to such certificate is his true and genuine signature."

AMENDMENT No. 2.

Amend by striking out the word "conclusive," in line 20 of the printed bill, and inserting in place thereof the words "prima facie."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 44?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Hall, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, and Trout—25.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 7.

ASSEMBLY AMENDMENT.

Amend Section 3 of the printed bill by striking out the word "three," in line 4, and inserting the word "four."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 7?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Denison, Dickinson, Doty, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Morehouse, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—25.

NOES—Senator La Rue—1.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, George W. Rohe, heretofore appointed Bill Clerk to the Senate, having resigned; be it

Resolved, That S. J. Jacobs be and he is hereby appointed Bill Clerk to the Senate, at a per diem of \$5, same to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe 36.

NOES—None.

Also:

SACRAMENTO, January 6, 1897.

Messrs. Locke & Lavenson, bought of Sacramento Glass and Crockery Company:

Three No. 10 "Success" filters @ \$17 50 \$52 50
Paid February 3, 1897.

I hereby swear that the amount of the within bill is correct, and that the sum stated here has been paid by the firm of Locke & Lavenson, of which I am a member.

Dated February 16, 1897.

GEORGE G. LOCKE.

Sworn to before me: W. T. SESNON, Deputy Secretary of State.

SENATE CHAMBER, SACRAMENTO, February 18, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the account of Locke & Lavenson, for three No. 10 "Success" filters, at a cost of \$22 50 each, total cost \$67 50; and your committee, believing the charges excessive, saw fit to recommend the reduction of the same to \$37 50, and the action of your committee was approved by the Senate. Now comes George G. Locke, of the firm of said Locke & Lavenson, and on his oath, herewith attached, certifies that the invoice cost of said filters was \$17 50 each. Your committee have thereupon taken up the said account for reconsideration, and respectfully make a supplemental report, recommending the adoption of the following resolution:

Resolved, That the Controller be directed to draw his warrant on the Contingent Fund of the Senate in favor of Locke & Lavenson in the sum of \$20, in the payment of a balance on said account, which your committee believe to be ample and just.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Brauhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Shine, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—26.

NOES—None.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 719—An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California as Sheriff of Plumas County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Senate Bill No. 713—An Act making an appropriation to pay the claim of James W. Travers, for advertising the constitutional amendments in the Alameda Daily Evening Ensign—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bills Nos. 719 and 713 re-referred to the Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 158—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," by inserting a new section therein, relating to contracts.

Also: Senate Bill No. 369—An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances.

Also: Senate Bill No. 63—An Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

And presented the same to the Governor on this day, at ten o'clock and fifteen minutes A. M.

JONES, Chairman.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 679—An Act to regulate the collection and disposition of all garbage, offal, ashes, and other refuse matter, in towns, cities, and cities and counties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass with the following amendments:

Amend title by inserting after word "counties," the words "of the first class"; also, after the word "counties," in line 2 of Section 1, the words "of the first class."

MAHONEY, Chairman.

Senate Bill No. 679 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 916—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DOTY.
LUCHSINGER.
GILLETTE.
ARAM, Chairman.

Assembly Bill No. 916 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 244—An Act making an appropriation to pay the claim of the Examiner, for advertising the constitutional amendments—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

Assembly Bill No. 244 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

The following constitutional amendment was introduced, read first time, and referred to committee, as indicated:

By Senator Dickinson: Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Referred to the Committee on Constitutional Amendments.

RESOLUTION—(OUT OF ORDER).

Senator Gleaves submitted the following resolution and moved its adoption:

Resolved, That the State Printer be and he is hereby directed to bind in volumes of two hundred bills each, all the Assembly and Senate bills, including amended and substitute bills, introduced at this session, except Assembly Bills Nos. 1 to 163, inclusive, which bills shall be bound in their present form.

Resolved, That each and every member be provided with such bound volumes at the earliest date possible.

AYES AND NOES.

On the adoption of the resolution, the ayes and noes were demanded by Senators Gleaves, Luchsinger, and Shippee.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Stratton, Toner, Trout, and Voorheis—24.

NOES—Senators Boyce, Bulla, Dickinson, Holloway, Langford, La Rue, Pedlar, Shippee, Smith, and Withington—10.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 24th day of February passed Assembly Bill No. 796—An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the payment of such bonds.

Also: That the Assembly on the 24th day of February directed me to return to your honorable body Senate Concurrent Resolution No. 6, relative to suspending Joint Rule XLVIII, with a copy of the following motions by Mr. Dibble, which were this day adopted by the Assembly:

That Senate Concurrent Resolution No. 6 be returned to the Senate, and that the Senate be respectfully informed that the Assembly declines to consider the question of the right of a Senator to introduce a bill in the Senate.

Furthermore, that the Senate be respectfully informed that, in the opinion of the Assembly, the right of a member of either house to introduce a bill upon any matter, after fifty days from the commencement of the session, with the consent of two thirds of the members of the house in which such bill is offered by a member thereof, is a constitutional right which cannot be limited or controlled by a rule of either house or of a joint rule of the two houses; that in so far as Joint Rule XLVIII attempts to limit the right of a member to introduce a bill, as suggested, it is, in the opinion of the Assembly, absolutely void.

Also: That a message be sent to the Senate requesting a conference of the two houses, with the view of the immediate abrogation of Joint Rules XL and XLVIII, which are, in the opinion of the Assembly, unconstitutional and void, in that they attempt to limit the constitutional prerogatives of the separate houses in the matter of the consideration and passage of bills, and the constitutional prerogative of the members of the two houses in the matter of the introduction of bills.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 796 read first time, and referred to the Committee on Irrigation and Water Rights.

MOTION.

Senator Wolfe moved that the President pro tem. of the Senate appoint three Senators as a committee of conference to confer with a like

committee from the Assembly, in regard to the abrogation of Joint Rules XL and XLVIII.

So ordered.

The President pro tem. of the Senate appointed as such committee Senators Wolfe, Withington, and Seawell.

RECESS.

At four o'clock and twelve minutes P. M., the Senate took a recess until eight o'clock P. M., on motion of Senator Boyce.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Maboney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Bulla was granted a leave of absence for the remainder of the day, on motion of Senator Gillette.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

Bill passed on file, but to retain its place.

Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Bill passed on file, but to retain its place.

Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns in road districts where the population is at least five hundred, and the manner of ascertaining said population.

Bill passed on file, but to retain its place.

Senate Bill No. 257—An Act to amend Section 8 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, relative to stenographers.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 257, and substitute therefor on file Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of

the State of California," approved March 11, 1872, relating to estates of deceased persons.

Consent granted.

Senate Bill No. 257 withdrawn and ordered stricken from the file, and Senate Bill No. 193 substituted therefor on file.

Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

Bill passed on file, but to retain its place.

MOTION.

Senator Voorheis moved that the Assembly be requested to return forthwith to the Senate, Concurrent Resolution No. 3, relative to the adjournment of the thirty-second session of the Legislature *sine die*.

So ordered, and the Secretary directed to prepare a message to the Assembly, requesting the return of Senate Concurrent Resolution No. 3.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 362—An Act authorizing the Secretary of State to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as Janitor's Clerk, who shall keep the accounts of the supply department, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

The bill having been read a third time on a previous day.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 362, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 362 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—26.

NOES—Senator Holloway—1.

Title read and approved.

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Bill passed on file, but to retain its place.

Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Bill passed on file, but to retain its place.

Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Bill passed on file, but to retain its place.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file, but to retain its place.

Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Bill passed on file, but to retain its place.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Bill passed on file, but to retain its place.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Bill passed on file, but to retain its place.

Senate Bill No. 512—An Act to add a new Article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county Boards of Election Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 169—An Act to promote the safety of employes and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

Bill passed on file, but to retain its place.

Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 417, have examined the same, and report that the object cannot be secured under existing laws, and the same is correct in text and reference, except as follows: The word "the" should be stricken out of the enacting clause; also, strike out of Section 4, commencing with the word "chosen," in line 2, up to and including the

word "respectively," in line 5 of said section. They, therefore, recommend that Senator Gleaves be appointed a special committee of one, to whom the bill shall be recommended, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In accordance with the recommendation of the Committee on Rules and Revision, Senator Gleaves was appointed a special committee of one to amend as follows:

Amend by striking out of the enacting clause the word "the."

Also: Strike out of Section 4, commencing with the word "chosen" in line 2, up to and including the word "respectively," in line 5 of said section.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 417, with instructions to amend, respectfully reports the same back, amended as per instructions.

GLEAVES, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill passed on file, but to retain its place.

Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 519, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 519 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 393—An Act to amend Sections 1817 and 1818 of the Political Code, relating to the public schools.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 393, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 393 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Sinipson, Stratton, Trout, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 467, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Flint, Senator Luchsinger was appointed a special committee of one to amend as follows:

Amend Section 1, line 3, by inserting before the word "first" the following: "Sec. 1882."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 467, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 473, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

On motion of Senator Boyce, Senator Morehouse was appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, line 1, the words "said Act," and inserting after the word "of," in same line, the following: "An Act to amend an Act entitled 'An Act to enforce the educational rights of children,' approved March 28, 1874," relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 473, with instructions to amend, respectfully reports the same back, amended as per instructions.

MOREHOUSE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

LEAVE OF ABSENCE.

On request, Senator Simpson was granted a leave of absence for the remainder of the day.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 484—An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 484, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 484 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Stratton, Trout, Withington, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 534—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 534, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 534 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Brauhart, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Stratton, Toner, Trout, and Wolfe—26.

NOES—Senator Holloway—1.

Title read and approved.

Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 60 of said Code.

Bill passed on file, but to retain its place.

Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin, to connect with a road called "Tioga Road," at or near the Tioga Mine.

Bill passed on file, but to retain its place.

Senate Bill No. 523—An Act to appropriate money for the support of orphans, half orphans, abandoned children, foundlings, and other abandoned infants.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 523, and have examined the same, and report that the object cannot be secured under existing laws: that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 523 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Denison, Dickinson, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Seawell, Shine, Shippee, Smith, Stratton, Trout, and Withington—26.
NOES—None.

Title read and approved.

Senate Bill No. 196—An Act to amend Section 340 of the Penal Code of California, relating to pawnbrokers.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 196—An Act to amend Section 340 of the Penal Code of California, relating to pawnbrokers—and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 196 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Denison, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Stratton, Toner, Trout, and Wolfe—25.
NOES—Senator Braunhart—1.

Title read and approved.

Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 372, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 372 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Chapman, Denison, Doty, Feeney, Gillette, Gleaves, Hall, Holloway, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Stratton, Trout, Withington, and Wolfe—25.
NOES—None.

Title read and approved.

Senate Bill No. 507—An Act to authorize the State Board of Harbor

Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 507, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

SPECIAL ORDER.

On motion of Senator Smith, the further consideration of Senate Bill No. 507 was made a special order for to-morrow, at ten o'clock and thirty minutes A. M.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 554—An Act to prohibit the employment of convicts confined in the State prisons of this State, in the manufacture of textile fabrics other than jute grain bags, and to regulate the price and conditions of sale at which jute grain bags shall be sold by the State.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 554, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

Senator Dickinson moved that Senator Pedlar be appointed a special committee of one to amend bill by substituting the following therefor:

An Act entitled an Act to prevent the manufacture in penal institutions of other goods than jute bags and broken stone for roads and highways, and of materials consumed in the State penal institutions.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be unlawful for any person confined or employed in any penal institution in the State of California to engage or be employed in the manufacture of anything whatever that is an article of commerce in this State, except jute bags and broken stone for roads and highways.

SEC. 2. This Act shall not apply to the manufacture of any article consumed in any State institution.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in force from and after July first, Anno Domini eighteen hundred and ninety-seven.

Motion lost.

The roll was called, and Senate Bill No. 554 refused passage by the following vote:

AYES—Senators Braunhart, Denison, Dickinson, Dwyer, and Stratton—5.

NOES—Senators Androus, Aram, Bert, Boyce, Chapman, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—30.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Morehouse, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 24th day of February passed Assembly Bill No. 847—An Act to provide for the transfer from Whittier State School at Whittier of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate, in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California and heretofore used by the California Home for the Care and Training of Feeble-Minded Children, in the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

Also: Senate Bill No. 129—An Act to amend Section 164 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

Also: Senate Bill No. 128—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates, or homestead or community property, on owner's death, in certain cases.

Also: Amended, and passed as amended, Senate Bill No. 189—An Act to amend Sections 566 and 641 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.

Also: Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 847 read first time, and ordered on file for second reading.

Senate Bills Nos. 129 and 128 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 189.

ASSEMBLY AMENDMENTS.

Amend Section 1 of the printed bill by adding, after the word "sixty-six," on line 1, the words "of the Code of Civil Procedure."

Also: Amend Section 2 of the printed bill by inserting, after the word "forty-one," in line 1, the words "of the Code of Civil Procedure."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 189?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Aram, Bert, Braunhart, Chapman, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Frisk, Shippee, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—23.

NOES—None.

Bill ordered to enrollment.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Senator Voorheis, the Senate adjourned until to-morrow at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Thursday, February 25, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 23, 1897, was approved.

PETITION.

A petition was presented and read, requesting action by the Senate, as follows:

By Senator Simpson: Protesting against the passage of a general saloon license law, as recommended by the Code Commission. Signed by W. R. Bisbee, H. V. Wheeler, W. F. Pentland, and twenty-three others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Assembly Bill No. 40—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SHIPPEE, Chairman.

Assembly Bill No. 40 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 663—An Act to provide for the working, dressing, and carving of stone for public work—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 43—An Act to secure the payment of the claims of material-men, mechanics, or laborers employed by contractors upon State, municipal, or other public work.

Also: Senate Bill No. 251—An Act fixing the minimum rate of compensation for labor on public work.

Also: Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the

District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employé at the time of making payment; and in case of such absence, the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.

Have had the same under consideration, and respectfully report the same back with-out recommendation.

MOREHOUSE, Chairman.

Senate Bills Nos. 663, 43, and 251, and Assembly Bill No. 45, ordered on file for second reading.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, amended March 14, 1889, also March 17, 1891, also March 31, 1891, also March 9, 1893, and also March 11, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 125—An Act to amend "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting franchises," approved March 23, 1893, and confirming grants of franchises and privileges heretofore made.

Also: Senate Bill No. 717—An Act to provide the mode for changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw the same.

Also: Senate Bill No. 701—An Act to amend Section 757 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 706—An Act to confer power upon the Board of Supervisors, City Council, Board of Trustees, or other governing or legislative body of any town, city, city and county, or county in this State, to acquire, by condemnation or purchase, land or property for the laying out, opening, extending, widening, or straightening, in whole or in part, for a distance of five hundred feet, or less, of any road, highway, boulevard, street, square, lane, alley, court, or place, within any town, city, city and county, or county in this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 681—An Act to provide the mode for changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California—have had the same under consideration, and respectfully report the same back, and offer a substitute for Senate Bill No. 681, and recommend that the substitute do pass.

GILLETTE, Chairman.

Senate Bills Nos. 532, 125, 701, 706, and 681 ordered on file for second reading.

As suggested by the committee, Senator Dwyer asked unanimous consent to withdraw Senate Bill No. 717.

Consent granted.

Senate Bill No. 717 withdrawn and ordered stricken from the file.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Military Affairs, who were authorized to visit San Francisco on February 22d for the purpose of inspecting the National Guard and Naval Reserve located in said city, respectfully report that they have performed their duty.

Senators Androus, Dickinson, Feeney, and Pedlar made the inspection of both organizations, particularly with reference to their equipment, and are unanimously of the opinion that much is needed to place these organizations in a position to insure efficient service.

With complete equipment, such as is contemplated in pending legislation, the military of the State can be made the equal of any in the Union.

The expense of the inspection is as follows :

Transportation, four members	\$20 00
Hotel bills, four members, at \$3 50	14 00
Total	\$34 00

We herewith also submit the following :

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Chairman of the Committee on Military Affairs, Senator A. J. Pedlar, for the sum of \$34, in payment of the account above rendered, the same to be paid from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

PEDLAR, Chairman.

Report and resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 157—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GLEAVES, Acting Chairman.

Assembly Bill No. 157 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution :

Resolved, That the Controller be directed to draw his warrant in favor of Tom Scott for the sum of \$18 50, in payment for one electric lamp, and labor putting in a basin, by order of Secretary of the Senate, the said sum to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and report of committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor—and substitute therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute be adopted.

Also: Senate Bill No. 719—An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California as Sheriff of Plumas County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 303—An Act making an appropriation to pay the sum fixed, awarded, and allowed by the State Board of Examiners, as fees for services to date, of the additional counsel employed to assist the Attorney-General in the defense of the suit brought in the United States Circuit Court for the Northern District of California, by the Southern Pacific Company against the Board of Railroad Commissioners of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute be adopted.

Also: Senate Bill No. 206—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Also: Assembly Bill No. 234—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.
Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHIES, Chairman.

Senate Bills Nos. 419, 719, 303, and 206, and Assembly Bill No. 234, ordered on file for second reading.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ANDROUS, Chairman.

Assembly Bill No. 730 ordered on file for second reading.

REPORTS OF SAN LUIS OBISPO VISITING COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your sub-committee appointed to visit San Luis Obispo and report upon the feasibility of locating a polytechnic school at that place; also, the site for the proposed Reform School for Girls at Santa Clara, the State Normal School at San José, and the State Asylum for the Insane at Agnews, beg leave to report as follows:

The citizens of San Luis Obispo are fully awake to the necessity of such a school as is sought to be established by the bill now pending. They are unanimous in their desire for it and are liberal in their offers of assistance in the founding of the school. Several sites of from five to ten acres each are offered without expense to the State, and the beautiful Hotel Ramona can, your committee is assured, be secured at a very reasonable figure. From the facts presented to and the observations made by your committee, it is of the opinion that the location is in every way desirable, and they recommend that the bill do pass.

In regard to the property of the State at Santa Clara, to which it is proposed to transfer the girls from the Whittier Reform School, your committee is of the opinion that the property is not desirable for the purpose. The buildings now on the property are in a very bad condition, and could not be made habitable without the expenditure of a very large amount of money, and they would even then be merely a makeshift. There is also more land than can be utilized by the Reform School. We advise the sale of the property, and that the proceeds be applied toward the construction of a suitable building for the Reform School at some proper place in the State.

The State Asylum for the Insane at Agnews was found to be in good condition. Many improvements have been made about the property, in which the labor of the patients has been employed to advantage. The male wards are very much overcrowded. An appropriation of \$22,000 is asked for the construction of two cottages, to accommodate fifty-five convalescent patients in each cottage. The Trustees agree that if the appropriation for construction is granted, they will furnish the buildings from their contingent fund. It is proposed to erect these cottages at some distance from the main buildings, in order that convalescent patients may be removed as far as possible from the sights and sounds which have a tendency to retard their recovery. An appropriation is also asked for sinking a gas well, to furnish fuel for the institution. This would be largely a matter of experiment, although some indications of gas have been found here. We believe the management of the institution to be all that could be desired, and that its business affairs are conducted in a careful and economical manner.

SMITH, for the Committee.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

Your special sub-committee appointed to visit San Luis Obispo and report upon the feasibility of locating a State school at that place; also, the site of the proposed Reform School for Girls at Santa Clara; the State Normal School at San José, and the Insane Asylum at Agnews, beg leave to report that they have performed their duty, and that the expenses incurred were as follows:

Railroad fares.....	\$141 40
Hotel bills, including incidentals, as street car fares, telegraphing, typewriting, etc.....	173 60
Total.....	\$315 00

Therefore, be it resolved, That the Controller be and is hereby directed to draw his warrant in favor of S. C. Smith, Chairman of said sub-committee, for the sum of \$315, said warrant to be drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

SMITH, for the Committee.

Last report and resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Seawell moved a reconsideration of the vote whereby Senate Bill No. 117—An Act concerning the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums—was refused passage.

The roll was called, and the motion lost by the following vote:

AYES—Senators Androus, Beard, Braunnhart, Bulla, Chapman, Doty, Franck, Holloway, Jones, Langford, La Rue, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—20.

NOES—Senators Aram, Bert, Denison, Dickinson, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Linder, Luchsinger, Mahoney, Shine, Smith, Toner, and Wolfe—18.

SPECIAL ORDERS.

The hour of ten o'clock and thirty minutes A. M. having arrived, and the further consideration of Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof—having been previously set as a special order for this hour, the Senate proceeded to consider the same.

The bill having been read a third time on a previous day.

On motion of Senator Stratton, Senator Shippee was appointed a special committee of one to amend bill as follows:

Amend Section 3, line 5, by inserting after the words "entire cargoes" the words "of such products."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 507, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHIPPEE, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Gillette, Senator Dickinson was appointed a special committee of one to amend as follows:

Amend by striking out of Section 5, line 2, after the word "products" down to and including the word "and" in line 5 of said section.

Also: Strike out of said Section 5 all of lines 7 and 8, and the words "on their own account," in line 9 of said section.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 507, with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment, but to retain its place on file.

SPECIAL FILE—APPROPRIATIONS FOR STATE GOVERNMENT—SECOND READING
OF BILL.

Senate Bill No. 154—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

Bill passed on file, but to retain its place.

Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Bill passed on file, but to retain its place.

Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

Bill passed on file, but to retain its place.

Senate Bill No. 10—An Act providing for the improvement and construction of sidewalks outside the limits of incorporated cities and towns in road districts where the population is at least five hundred, and the manner of ascertaining said population.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 10, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Morehouse, Seawell, Shine, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—28.
NOES—None.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Dickinson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns to you, as per your request, Assembly Bill No. 452—An Act to repeal

Sections 626a, 626b, 626c, 626d, 626e, 626f, 626g, 626h, 626i, 627a, 627b, 627c, and 627d, and to amend Sections 626 and 627, of the Penal Code of the State of California, relating to game.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 452 ordered on file for further consideration.

RECONSIDERATION.

Senator Dickinson moved a reconsideration of the vote whereby Assembly Bill No. 452 was on a previous day finally passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—31.

NOES—None.

On motion of Senator Dickinson, Senator Hall was appointed a special committee of one to amend Assembly Bill No. 452 as follows:

Amend by striking out the words "except canvasback and bluebill," where they occur on lines 32 and 33 of printed bill.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 452, with instructions to amend, respectfully reports the same back, amended as per instructions.

HALL, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to reprint.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 193, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except that the title should be amended to read as follows: "An Act to amend Section 1618 of the Code of Civil Procedure, relating to estates of deceased persons."

Also: To insert in line 1 of Section 1, after the word "eighteen," the words "of the Code of Civil Procedure."

They therefore recommend that Senator Braunhart be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In accordance with the recommendation of the Committee on Rules and Revision, Senator Braunhart was appointed a special committee of one to amend as suggested by the committee.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 193, with instructions to amend, respectfully reports the same back, amended as per instructions.

BRAUNHART, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Bill passed on file, but to retain its place.

Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Bill passed on file, but to retain its place.

Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

Bill passed on file, but to retain its place.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file, but to retain its place.

Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Bill passed on file, but to retain its place.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Bill passed on file, but to retain its place.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State and to make compensation to counties for the exemption of property from taxation.

Bill passed on file, but to retain its place.

Senate Bill No. 512—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county Boards of Election Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by

regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 169—An Act to promote the safety of employes and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

Bill passed on file, but to retain its place.

Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill passed on file, but to retain its place.

Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill passed on file, but to retain its place.

Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Bill passed on file, but to retain its place.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Bill passed on file, but to retain its place.

Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 60 of said Code.

Bill passed on file, but to retain its place.

Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin, to connect with a road called "Tioga Road," at or near the Tioga Mine.

Bill passed on file, but to retain its place.

Senate Bill No. 293—An Act entitled "An Act to repeal an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 293, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 293 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—26.

NOES—Senators Brauhart and Dwyer—2.

Title read and approved.

Senate Bill No. 537—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant. Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 537, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 537 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 604—An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 604, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 604 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 437—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto, approved March 19, 1889, March 5, 1895, and March 26, 1895.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 23, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 437, have examined the same, and report that the object cannot be

secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: Strike out of Section 1 all after the word "eighty-three," in line 4, up to and including the word "ninety-five," in line 7, in said section; also, amend the title by striking out all after the figures "1883."

They therefore recommend that Senator Androus be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

DICKINSON, for the Committee.

In accordance with the recommendation of the Committee on Rules and Revision, Senator Androus was appointed a special committee of one to amend, as suggested by the Committee on Rules and Revision.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 437, with instructions to amend, respectfully reports the same back, amended as per instructions.

ANDROUS, Committee.

Report of special committee of one and amendments adopted.

On motion of Senator Linder, Senator Smith was appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, line 10, the words "City Clerk"; also, strike out of line 14 the words "City Clerk," and insert in line 26, after the words "the City Attorney," "and City Clerk."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 437, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill passed on file, but to retain its place.

Senate Bill No. 516—An Act to amend Section 1885 of the Political Code of the State of California, relating to form of bonds, when payable.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 516, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Shippee, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 391—An Act to prohibit the keeping, maintaining, and employing the device known as "nickel-in-the-slot machine," or

other similar device or devices for the hazarding of any money, or for the disposal of or promise to dispose of any liquor, cigars, or other commodities, or any valuable article or thing of whatsoever nature.

Bill passed on file, but to retain its place.

Senate Bill No. 365—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Bill passed on file, but to retain its place.

Senate Bill No. 506—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds.

Bill passed on file, but to retain its place.

Senate Bill No. 533—An Act authorizing municipal corporations to designate and set apart streets, and portions of streets, as boulevards, and restricting the power to grant franchises upon streets so designated and set apart.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 533, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 533 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luch-singer, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Smith, Stratton, Toner, Trout, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

COMMUNICATION—(OUT OF ORDER).

The following communication to Lieutenant-Governor William T. Jeter, from the State Board of Examiners, was read and ordered printed in the Journal:

OFFICE OF THE STATE BOARD OF EXAMINERS, }
SACRAMENTO, CAL., February 25, 1897. }

To the Honorable W. T. JETER, President of the Senate of the State of California:

DEAR SIR: I have the honor to inform you that the State Board of Examiners, on February 24, 1897, passed the following resolution:

WHEREAS, The Superintendent of State Printing did, on the 19th day of February, 1897, file his petition asking to be allowed to incur a deficiency; and

WHEREAS, The Legislature is now in session, and it is necessary under the Constitution that a large amount of printing be done for that body; therefore, be it

Resolved, That pending the hearing of the petition of the Superintendent of State Printing, and to the end that persons who have furnished materials and who have performed services and labor for the execution of such legislative printing may receive full and prompt payment therefor, that we recommend that the Legislature make a present appropriation of \$40,000 for legislative printing.

JOHN MARKLEY,
Secretary State Board of Examiners.

Communication referred to the Committee on Finance.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 364—An Act to amend an Act entitled “An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds,” approved March 23, 1893.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 364, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Wolfe, Senator Luchsinger was appointed a special committee of one to amend as follows:

Amend by adding after the word “sister,” on line 20, page 2, of said bill, the following words: “nephew or niece, when residing in this State.”

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 364, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

AYES AND NOES.

On the adoption of the report of the special committee of one and amendment, the ayes and noes were demanded by Senators Braunhart, Feeney, and Luchsinger.

The roll was called, and the report of special committee of one and amendment refused adoption by the following vote:

AYES—Senators Aram, Braunhart, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Toner, and Trout—16.

NOES—Senators Androus, Beard, Bert, Bulla, Chapman, Denison, Gleaves, Holloway, Jones, Langford, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Withington, and Wolfe—20.

MOTION TO RECONSIDER.

Senator Wolfe moved a reconsideration of the vote whereby the report of special committee of one and amendment to Senate Bill No. 364 were refused adoption.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Aram, Braunhart, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Henderson, Langford, La Rue, Luchsinger, Mahoney, Shine, Toner, and Wolfe—17.

NOES—Senators Androus, Beard, Bert, Bulla, Chapman, Denison, Franck, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Withington—19.

The roll was called, and Senate Bill No. 364 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Shine, Smith, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—Senators Bulla, Langford, and La Rue—3.

Title read and approved.

Session 1887, No. 341—An Act to amend an Act entitled an Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition of water and other property and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the abandonment of operations by irrigation districts and for their dissolution upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this act, approved March 23, 1887.

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The following report of the Committee on Rules and Revision was presented and read:

SENATE: 1911-12, 1912-13, 1913-14, 1914-15, 1915-16, 1916-17, 1917-18, 1918-19, 1919-20, 1920-21, 1921-22, 1922-23, 1923-24, 1924-25, 1925-26, 1926-27, 1927-28, 1928-29, 1929-30, 1930-31, 1931-32, 1932-33, 1933-34, 1934-35, 1935-36, 1936-37, 1937-38, 1938-39, 1939-40, 1940-41, 1941-42, 1942-43, 1943-44, 1944-45, 1945-46, 1946-47, 1947-48, 1948-49, 1949-50, 1950-51, 1951-52, 1952-53, 1953-54, 1954-55, 1955-56, 1956-57, 1957-58, 1958-59, 1959-60, 1960-61, 1961-62, 1962-63, 1963-64, 1964-65, 1965-66, 1966-67, 1967-68, 1968-69, 1969-70, 1970-71, 1971-72, 1972-73, 1973-74, 1974-75, 1975-76, 1976-77, 1977-78, 1978-79, 1979-80, 1980-81, 1981-82, 1982-83, 1983-84, 1984-85, 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 1998-99, 1999-00, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 2025-26, 2026-27, 2027-28, 2028-29, 2029-30, 2030-31, 2031-32, 2032-33, 2033-34, 2034-35, 2035-36, 2036-37, 2037-38, 2038-39, 2039-40, 2040-41, 2041-42, 2042-43, 2043-44, 2044-45, 2045-46, 2046-47, 2047-48, 2048-49, 2049-50, 2050-51, 2051-52, 2052-53, 2053-54, 2054-55, 2055-56, 2056-57, 2057-58, 2058-59, 2059-60, 2060-61, 2061-62, 2062-63, 2063-64, 2064-65, 2065-66, 2066-67, 2067-68, 2068-69, 2069-70, 2070-71, 2071-72, 2072-73, 2073-74, 2074-75, 2075-76, 2076-77, 2077-78, 2078-79, 2079-80, 2080-81, 2081-82, 2082-83, 2083-84, 2084-85, 2085-86, 2086-87, 2087-88, 2088-89, 2089-90, 2090-91, 2091-92, 2092-93, 2093-94, 2094-95, 2095-96, 2096-97, 2097-98, 2098-99, 2099-00, 2100-01, 2101-02, 2102-03, 2103-04, 2104-05, 2105-06, 2106-07, 2107-08, 2108-09, 2109-10, 2110-11, 2111-12, 2112-13, 2113-14, 2114-15, 2115-16, 2116-17, 2117-18, 2118-19, 2119-20, 2120-21, 2121-22, 2122-23, 2123-24, 2124-25, 2125-26, 2126-27, 2127-28, 2128-29, 2129-30, 2130-31, 2131-32, 2132-33, 2133-34, 2134-35, 2135-36, 2136-37, 2137-38, 2138-39, 2139-40, 2140-41, 2141-42, 2142-43, 2143-44, 2144-45, 2145-46, 2146-47, 2147-48, 2148-49, 2149-50, 2150-51, 2151-52, 2152-53, 2153-54, 2154-55, 2155-56, 2156-57, 2157-58, 2158-59, 2159-60, 2160-61, 2161-62, 2162-63, 2163-64, 2164-65, 2165-66, 2166-67, 2167-68, 2168-69, 2169-70, 2170-71, 2171-72, 2172-73, 2173-74, 2174-75, 2175-76, 2176-77, 2177-78, 2178-79, 2179-80, 2180-81, 2181-82, 2182-83, 2183-84, 2184-85, 2185-86, 2186-87, 2187-88, 2188-89, 2189-90, 2190-91, 2191-92, 2192-93, 2193-94, 2194-95, 2195-96, 2196-97, 2197-98, 2198-99, 2199-00, 2200-01, 2201-02, 2202-03, 2203-04, 2204-05, 2205-06, 2206-07, 2207-08, 2208-09, 2209-10, 2210-11, 2211-12, 2212-13, 2213-14, 2214-15, 2215-16, 2216-17, 2217-18, 2218-19, 2219-20, 2220-21, 2221-22, 2222-23, 2223-24, 2224-25, 2225-26, 2226-27, 2227-28, 2228-29, 2229-30, 2230-31, 2231-32, 2232-33, 2233-34, 2234-35, 2235-36, 2236-37, 2237-38, 2238-39, 2239-40, 2240-41, 2241-42, 2242-43, 2243-44, 2244-45, 2245-46, 2246-47, 2247-48, 2248-49, 2249-50, 2250-51, 2251-52, 2252-53, 2253-54, 2254-55, 2255-56, 2256-57, 2257-58, 2258-59, 2259-60, 2260-61, 2261-62, 2262-63, 2263-64, 2264-65, 2265-66, 2266-67, 2267-68, 2268-69, 2269-70, 2270-71, 2271-72, 2272-73, 2273-74, 2274-75, 2275-76, 2276-77, 2277-78, 2278-79, 2279-80, 2280-81, 2281-82, 2282-83, 2283-84, 2284-85, 2285-86, 2286-87, 2287-88, 2288-89, 2289-90, 2290-91, 2291-92, 2292-93, 2293-94, 2294-95, 2295-96, 2296-97, 2297-98, 2298-99, 2299-00, 2300-01, 2301-02, 2302-03, 2303-04, 2304-05, 2305-06, 2306-07, 2307-08, 2308-09, 2309-10, 2310-11, 2311-12, 2312-13, 2313-14, 2314-15, 2315-16, 2316-17, 2317-18, 2318-19, 2319-20, 2320-21, 2321-22, 2322-23, 2323-24, 2324-25, 2325-26, 2326-27, 2327-28, 2328-29, 2329-30, 2330-31, 2331-32, 2332-33, 2333-34, 2334-35, 2335-36, 2336-37, 2337-38, 2338-39, 2339-40, 2340-41, 2341-42, 2342-43, 2343-44, 2344-45, 2345-46, 2346-47, 2347-48, 2348-49, 2349-50, 2350-51, 2351-52, 2352-53, 2353-54, 2354-55, 2355-56, 2356-57, 2357-58, 2358-59, 2359-60, 2360-61, 2361-62, 2362-63, 2363-64, 2364-65, 2365

Mr. Representative John C. Stennis on March 10, 1958, stated that, under consideration of Senate and the bill, and have concluded the bill and report that the Government of the Republic of China is not a country in which the United States should take any action to support the Government of the Republic of China.

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The trial was entered and *Summa* 500 N, 500 passed by the following:

NOTE—Separate columns show State, West, Southern, Great Northern, Eastern, Middle, and Pacific States. First column shows all American States. Lines appear in the same sequence. Summary column shows total. State, West, Southern, Middle, Eastern, and Pacific States.

17-11-11

Title read and approved.

Senate Bill No. 1430—An Act to amend an Act entitled "An Act relating to labor and material in public buildings in the State of California," approved April 4, 1919.

1990

The following report of the Committee on Rules and Revision was
presented and read:

STATE OF NEW YORK.

Mr. Thompson, Vice President of Texas and Oklahoma, was told under circumstances that require that he not and have obtained the rules and reports that the alleged fact that he reported under operating name. That the same is written in 1941 and therefore not containing any information of confidential informants.

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STATE OF NEW YORK, JAMES H. HARRIS, GOVERNOR.

MR. PRESIDENT: Your Committee on Corporations, to which was referred Senate Bill No. 100—has had the honor to send a bill relating to the power of the Secretary and Assistant Secretary of the Treasury to designate or appoint or remove the United States Controller, and the Treasurer of the United States, being without objection, as follows:

[illegible]

thereof, and repealing all Acts in conflict therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DICKINSON, Chairman.

Senate Bills Nos. 381 and 678 ordered on file for second reading.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Brauhart, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Bill passed on file, but to retain its place.

Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing body, and repealing conflicting Acts.

Bill passed on file, but to retain its place.

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill passed on file, but to retain its place.

Assembly Bill No. 68—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill passed on file, but to retain its place.

Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Bill passed on file, but to retain its place.

Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on the final passage of bill.

The roll was called, and Assembly Bill No. 4 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Chapman, Denison, Dickinson, Dwyer, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Shine, Simpson, Stratton, Trout, and Withington—23.

NOES—Senator Doty—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Bill passed on file, but to retain its place.

Assembly Bill No. 23—Act entitled an Act to amend Section 1575 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 23, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Withington moved a call of the Senate, at two o'clock and thirteen minutes P. M.

So ordered.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Trout, and Withington.

The Secretary then announced that Senators Bert, Boyce, Braunhart, Feeney, Franck, Langford, Morehouse, Seawell, Smith, Toner, and Voorheis were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At two o'clock and eighteen minutes P. M., Senators Boyce, Seawell, Voorheis, Morehouse, and Franck were brought before the bar of the Senate.

On motion of Senator Bulla, the Senators were excused for absence.

On motion of Senator Withington, further proceedings under call of the Senate were dispensed with.

Whereupon the President directed the Sergeant-at Arms to open the doors of the Senate.

The President then announced that Assembly Bill No. 23 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, and Withington—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Assembly Bill No. 454—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out in line 10, page 1, of the printed bill, the words "six tenths," and insert instead thereof the words "two thirds."

Also: Amend by prefixing before the figure "1," in the first line of the printed bill, the word "Section."

Amendment adopted.

Bill read second time and ordered to print.

Assembly Bill No. 460—An Act to amend Section 943 of the Code of Civil Procedure.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by prefixing before the word "Section," at the beginning of the first line of the printed bill, the word and figure "Section 1."

Amendments adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 459—An Act to amend Section 939 of the Code of Civil Procedure.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting at the beginning of line 1, page 1, of the printed bill, the word and figure "Section 1."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 26—An Act to amend Section 15 of an Act entitled an Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 30, 1868, approved March 12, 1885.

During the second reading of bill, the following amendments were submitted by Senator Withington:

Amend by striking out of Section 1, line 2, the words "amendatory of and supplemental to an Act."

Also: Out of title same words, and also words "approved March 12, 1885."

Amendments adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 255—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to notice for bids for public work.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 476—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill passed on file, but to retain its place.

Assembly Bill No. 607—An Act to amend Section 1670 of the Political Code of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 104—An Act to amend an Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, approved March 28, 1872, amendatory of Section 25 thereof, relating to the construction of buildings.

During the second reading of bill, the following amendments were submitted by Senator Stratton:

Amend by striking out the title and inserting in lieu thereof the following: "An Act to amend an Act entitled 'An Act to create and organize the University of California,' approved March 23, 1868, and an Act amendatory of Section 25 thereof, approved March 28, 1872, relating to the construction of buildings."

Amendment adopted.

Also: Amend Section 1 by inserting in line 3 the words "Section 25," before the words "the regents shall."

Amendment adopted.

Bill read second time, and ordered to print.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 25, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 55—An Act to authorize State agricultural societies under the control of the State to sell property.

Also: Senate Bill No. 178—An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as Section 1234.

Also: Senate Bill No. 47—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Also: Senate Bill No. 177—An Act to amend Section 638 of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.

Also: Senate Bill No. 120—An Act to legalize certain acknowledgments.

JAMES H. BUDD, Governor.

At two o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 495—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILL.

Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 180, relating to the acceptance and holding of private deposits of moneys, or other valuables, in the county treasury by the County Treasurers.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read :

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT : Your Committee on Rules and Revision have had under consideration Assembly Bill No. 173, and have examined the same, and report that the object cannot be secured under existing laws ; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 173 finally passed by the following vote:

AYES—Senators Aram, Boyce, Braunhart, Dwyer, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, and Withington—21.

NOES—Senators Beard, Bulla, Denison, Flint, Gillette, Holloway, Mahoney, and Trout—8.

Title read.

Senator Gleaves moved to amend title as follows:

By striking out the words "or other valuables."

Amendment adopted.

Title read and approved.

Bill ordered to print.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 114—An Act to provide for the publication of the State Blue Book.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 71—An Act to amend Section 4428 of the Political Code of the State of California, relating to the powers of Judges of Police Courts to call in Justices of the Peace to act in their place and stead.

Bill passed on file, but to retain its place.

Assembly Bill No. 183—An Act to amend Section 690 of the Code of Civil Procedure, relating to exemptions from execution.

On motion of Senator Bulla, Assembly Bill No. 183 was denied second reading.

Assembly Bill No. 536—An Act to authorize the Board of Fish Commissioners to dispose of the hatchery located on Battle Creek, in Tehama County, and expend the proceeds of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation, to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893. (Substitute for Assembly Bill No. 83.)

During the second reading of bill, the following amendments were submitted by the committee:

Strike out of Section 1, line 12, the word "benefits," and insert in lieu thereof the word "compensation."

Amendment adopted.

Also: Strike out of Section 2, line 4, the words "three hundred dollars per month," and insert the following instead: "ten dollars per day."

AYES AND NOES.

The ayes and noes were demanded on the adoption of amendment by Senators Morehouse, Franck, and Gleaves.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Beard, Chapman, Denison, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Prisk, Shippee, Smith, Stratton, Trout, Voorheis, and Withington—19.

NOES—Senators Androus, Aram, Boyce, Bulla, Doty, Hall, Henderson, Mahoney, Morehouse, and Toner—10.

Also: Strike out of Section 2, line 6, the words "such traveling expenses."

Amendment adopted.

Also: Strike out of Section 3, lines 10, 11, 12, 13, and 14, the words "and pass upon the merits of such works, and he shall determine whether or not such works are calculated and sufficient to protect the navigable waters of the State, and he shall keep a record of such determination," and insert the following: "such works, and to report the result of such examination to the State Board of Examiners."

Amendment adopted.

Also: Amend Section 3 by inserting in line 32, printed bill, after the word "board," the words "*provided*, that no plans and specifications involving an expenditure on the part of the State of California of a sum greater than the appropriation herein made shall be approved."

Amendment adopted.

Also: Amend Section 4 by inserting in line 8, printed bill, after the word "causes," the words "and for the purchase of sites therefor."

Amendment adopted.

Also: Amend Section 4 by inserting in line 15, printed bill, after the words "ninety-three," the following: "and it is expressly intended and provided by this Act that the State of California shall in no event incur any liability hereunder, beyond the amount of the appropriation herein made; and no contractor, claimant, or person shall acquire any right or obligation against the State of California, beyond said sum so appropriated and set apart for the purpose hereinbefore set forth; and it is expressly declared that any claim or demand against the State of California, in excess of said appropriation, shall be invalid and void."

Amendment adopted.

Also: Amend Section 5 by striking out from lines 4 and 5, printed bill, the words "excepting the salaries of said commissioner and said secretary."

Amendment adopted.

Also: Amend Section 6 by striking out the whole thereof, and inserting instead thereof the following:

SEC. 6. Section six of said Act is hereby repealed.

Amendment adopted.

Also: Add a new section, to be numbered Section 7, as follows: "This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print.

RECALL OF BILL.

On motion of Senator Androus, Senate Bill No. 1—An Act to amend an Act to enable school districts in cities of the fifth class to issue

bonds, and to repeal an Act to enable cities of the fifth class to issue bonds for school purposes, approved March 23, 1893—sent to the Governor on a previous day, was recalled for the purpose of correction.

The Secretary was directed to prepare and transmit to the Governor a message asking the return of Senate Bill No. 1 for the purpose above set forth.

BILL RESTORED TO FILE.

Senator Jones asked leave to have Senate Bill No. 382—An Act to empower the legislative body of any incorporated city or town within the State of California to levy taxes, and expend the same, in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees—replaced on file, the same having been withdrawn therefrom by mistake.

Consent granted.

Senate Bill No. 382 ordered on file in its former position.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 864—An Act making an appropriation for the support of the State Printing Office for the remainder of the forty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 863—An Act for the relief of the State Printing Office, and making an appropriation to pay the deficiency for the current fiscal year that may be found to exist in the appropriation for the support of said printing office for the said year at the date of the approval of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SIMPSON, Chairman.

Assembly Bills Nos. 863 and 864 ordered on file for second reading.

RESOLUTION—(CASES OF URGENCY).

The following resolution was offered by Senator Simpson:

Resolved, That Assembly Bills Nos. 863 and 864 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be each read the first, second, and third times, and placed upon their passage.

The roll was called, and the resolution adopted, and the provisions of the Constitution suspended, by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis—31.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 863—An Act for the relief of the State Printing Office, and making an appropriation to pay the deficiency for the current fiscal year that may be found to exist in the appropriation for the support of said printing office for the said year at the date of the approval of this Act.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by substituting for bill the following :

SENATE SUBSTITUTE FOR ASSEMBLY BILL No. 863.

An Act making an appropriation to pay the current printing expenses of the thirty-second session of the Legislature.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of forty thousand dollars is hereby appropriated, or so much as may be necessary, out of any money in the state treasury not otherwise appropriated, to pay the current printing expenses of the thirty-second session of the Legislature.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 864—An Act making an appropriation for the support of the State Printing Office for the remainder of the forty-eighth fiscal year.

Bill read second and third times.

The roll was called, and Assembly Bill No. 864 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—29.

NOES—Senator Seawell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 314 (reengrossed)—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Also: Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Also: Senate Bill No. 169 (substitute reengrossed)—An Act to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

JONES, Chairman.

Senate Bill No. 314 and Senate Substitute for Senate Bill No. 169 ordered on third-reading file for passage.

Senate Bill No. 490 ordered on file for third reading.

INTRODUCTION OF CONCURRENT RESOLUTION.

By unanimous consent, the following concurrent resolution was introduced:

By Senator Morehouse: Senate Concurrent Resolution No. 7—Relative to a charter for the City of San José.

Resolution ordered to print.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 39—An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Trans-Mississippi Exposition, to be held in Omaha in 1898, and to provide for a commission and its expenses, a secretary of such commission, and the compensation of the secretary thereof.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 39, have examined the same, and report that the object cannot be secured under existing laws; and the same is correct in text and reference, except as follows: Commencing with the word "one," in line 17 of Section 1, up to and including the word "exposition," in line 18 of said section, should be stricken out, your committee being of the opinion that that clause would make the bill unconstitutional; also, insert the word "the" before the word "secretary" in line 32, and strike out the words "Trans-Mississippi Exposition, at Omaha, in 1898," before title. They therefore recommend that Senator Bulla be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In compliance with the recommendation of the Committee on Rules and Revision, Senator Bulla was appointed a special committee of one to amend bill as suggested.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 39, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 162—An Act to regulate the salaries of certain officers in the police department of counties, cities, and cities and counties of this State having a population of two hundred thousand or more inhabitants, and to provide for the appointment and salaries of other officers of such department.

Bill passed on file, but to retain its place.

Senate Bill No. 306—An Act prohibiting the burial of the dead within the corporate limits of any incorporated city, or city and county, of over one hundred thousand inhabitants, from and after the first day of January, A. D. 1900.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 306, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The title should be amended by striking out the words "of over two hundred thousand inhabitants." They therefore recommend that Senator Pedlar be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

At three o'clock and forty-five minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

The roll was called, and Senate Bill No. 306 refused passage by the following vote:

AYES—Senators Androus, Stratton, Trout, and Voorheis—4.

NOES—Senators Beard, Bert, Brauhart, Bulla, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Seawell, Simpson, Smith, Toner, and Wolfe—24.

Substitute for Senate Bill No. 689—An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 689, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Substitute for Senate Bill No. 689 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Trout, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 494—An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506 of the Political Code, relating to State Normal Schools.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 494, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 494 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—29.

NOES—Senator Wolfe—1.

Title read and approved.

RE-REFERENCE OF BILL.

On motion of Senator Voorheis, Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus

for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor—was re-referred to the Committee on Finance.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Bulla, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 24th day of February, passed Assembly Bill No. 200—An Act to amend Sections 925 and 928 of the Penal Code of the State of California, and add a new section to said Code, to be known as Section 929, relating to grand jurors, their powers and duties.

Also: Assembly Bill No. 646—An Act making an appropriation to pay the claim of James V. Hicks, for expenses incurred in going to New York after A. L. Gibbs, a fugitive from justice.

Also: Assembly Bill No. 66—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws.

Also: Assembly Bill No. 783—An Act to amend Section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways. (Substitute for Assembly Bill No. 196.)

Also: Assembly Bill No. 623—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringement of the rights of trademarks.

Also: Assembly Bill No. 15—An Act to appropriate \$1,535 25 to pay the claim of W. W. Foote and Garrett W. McEnerney for legal services rendered and expenses incurred by them in that certain action commenced in and decided by the Supreme Court of the State of California, and which was therein entitled "The People of the State of California, on the relation of John C. Lynch, Petitioner, vs. James H. Budd, Respondent," and numbered S. F. No. 600.

Also: On the 25th day of February concurred in the Senate amendment to Assembly Bill No. 273—An Act to amend Section 170 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualification of Judges, as amended by an Act approved March 23, 1893.

Also: On the 24th day of February concurred in the Senate amendment to Assembly Bill No. 170—An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.

Also: On the 24th day of February passed Assembly Bill No. 813—An Act to add a new section to the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

Also: Assembly Bill No. 554—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Also: Assembly Bill No. 361—An Act entitled an Act to amend the Political Code, by adding a new section requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State when contracting for or purchasing goods or other property.

Also: Assembly Bill No. 224—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 25th adopted the following resolution by Mr. Coombs:

WHEREAS, Hon. Joseph McKenna, a former member of this House, will, on Friday evening, February 26, 1897, pass through the capital city of his State, on his way to Washington, D. C., to assume his duties in the high station to which he has been called by the President-elect of the United States; and

WHEREAS, On that occasion he will be received by the citizens of Sacramento and conducted to the State Capitol;

Now, therefore, in view of the honor conferred on this State by his selection as an adviser of the President-elect, and on account of his former distinguished services to this State, be it

Resolved, That this House extend to the Hon. Joseph McKenna a reception at the hour of eight o'clock and forty-five minutes, on said evening, in this chamber; be it further

Resolved, That the Governor, Lieutenant-Governor, members of the Senate, and State officers be invited to join the Assembly in said reception.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bills Nos. 200 and 623 read first time, and referred to the Committee on Judiciary.

Assembly Bills Nos. 646, 15, and 224 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 66 read first time, and referred to the Committee on City, City and County, and Town Governments.

Assembly Bill No. 783 read first time, and referred to the Committee on Roads and Highways.

Assembly Bill No. 813 read first time, and referred to the Committee on Corporations.

Assembly Bills Nos. 554 and 361 read first time, and referred to the Committee on Federal Relations.

MOTION.

Senator Wolfe moved that the Senate accept the invitation extended by the Assembly, in its resolution of this date, to join that body in extending to the Hon. Joseph McKenna a reception on Friday evening, February 26, 1897.

The roll was called, and the motion carried and invitation accepted by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Trout, Withington, and Wolfe—26.

NOES—None.

RECESS.

At four o'clock and thirty minutes P. M., the Senate took a recess until eight o'clock P. M., on motion of Senator Withington.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 456—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add two new sections to said Act, to be known as Sections 20 and 21.

Also: Senate Bill No. 589—An Act to amend Section 1830 of the Political Code, relating to schools.

Also: Senate Bill No. 592—An Act for the incorporation of societies for the enforcement of the law, and the prosecution of public offenders.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 595—An Act to amend Section 1577 of the Political Code of the State of California, relating to the time of forming new school districts, and changing the boundaries of school districts.

Also: Senate Bill No. 648—An Act to amend Section 1775 of the Political Code of the State of California, relative to the powers and duties of Boards of Education.

Also: Senate Bill No. 714—An Act to amend Sections 1623, 1651, 1712, and 1713 of the Political Code of the State of California, relating to public schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, for the reason that the same sections of the Codes are amended by other bills heretofore recommended by this committee that they do pass.

Also: Senate Bill No. 305—An Act removing lands used for soldiers' homes from school districts within the State, and designating school facilities for children of school age residing within such territory.

Also: Senate Bill No. 455—An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 703—An Act to amend Section 1636 of the Political Code, relating to school census marshals—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Concurrent Resolution No. 5—A concurrent resolution relating to the National Educational Association—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, by taking away the control of granting high school certificates from County Boards of Education—have had the same under consideration, and respectfully report the same back, and recommend that it be considered in the Senate without recommendation from the committee.

BOYCE, Chairman.

Senate Bills Nos. 456, 589, 592, 595, 648, 714, 305, 455, and 703 ordered on file for second reading.

Senate Concurrent Resolution No. 5 ordered on file.

Senate Constitutional Amendment No. 23 ordered on file.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 676—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties and provide for his compensation, and the liability of mining operators—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 679—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 341—An Act relating to rights of way across mining claims—and recommend that it do pass as amended.

SHINE, Chairman.

Senate Bill No. 676 and Assembly Bills Nos. 679 and 341 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Also: Senate Bill No. 430—An Act for the relief of W. C. Guirey.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 394—An Act to provide for the payment of the claim of

D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Senate Bills Nos. 697, 430, and 394 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 723—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor, for the remainder of the forty-eighth fiscal year.

Also: Senate Bill No. 724—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Also: Senate Bill No. 725—An Act to provide for the classification of the roads in the State of California.

Also: Senate Bill No. 726—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEARD, Chairman.

Senate Bills Nos. 723, 724, 725, and 726 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 39—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judicial department.

Also: Senate Constitutional Amendment No. 38—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judicial department.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SIMPSON, Chairman.

Senate Constitutional Amendments Nos. 38 and 39 ordered on file.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 720—An Act to amend an Act entitled "An Act to provide against the adulteration of food and drugs," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ARAM, Chairman.

Senate Bill No. 720 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

Senate Bill No. 422 (reengrossed)—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1973, 1974, 1976, 1980, 1981, 1982, 1984, 1986, 1990, 2003, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add three new sections thereto, to be known as Sections 1946, 2008, and 2009, all relating to the National Guard of California.

Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroad corporations.

Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Senate Bill No. 274 (reëngrossed)—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Senate Bill No. 512—(reëngrossed)—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county Boards of Election Commissioners.

Senate Bill No. 483—(reëngrossed)—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Senate Bill No. 413—(reëngrossed)—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

JONES, Chairman.

Senate Bills Nos. 407, 480, and 451 ordered on file for third reading.

Senate Bills Nos. 422, 274, 512, 483, and 413 ordered on third-reading file for passage.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Beard, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 25th day of February, passed Assembly Bill No. 902—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor, for the remainder of the fiscal year. (Substitute for Assembly Bill No. 673.)

Also: Assembly Bill No. 903—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith. (Substitute for Assembly Bill No. 650.)

Also: Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California. (Substitute for Assembly Bill No. 674.)

Also: Assembly Bill No. 905—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation and the creation of a fund therefor. (Substitute for Assembly Bill No. 672.)

S. J. DUCKWORTH, Chief Clerk.

Assembly Bills Nos. 902, 903, 904, and 905 read first time, and, on motion of Senator Beard, ordered on file without reference to committee.

GENERAL FILE—SECOND READING OF BILLS.

On motion of Senator Brauhart, the Senate proceeded to consider Senate bills on the second-reading file.

Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend by striking out the sentence beginning with the words "no savings," in lines 105 and 106, page 5, Section 2, of the printed bill, and ending with the words "of business," in line 111, section and page aforesaid.

Amendment adopted.

Also: Amend by striking out in line 97, Section 2, page 5, of the printed bill, the word "fifty," and inserting instead thereof the word "forty."

Amendment adopted.

Also: Amend by striking out in line 98, page 5, Section 2, of the printed bill, the word "prior," and inserting instead thereof the word "first."

Amendment adopted.

By Senator Withington:

Amend by striking out of title all after the figures "1878," in line 3.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill passed on file, but to retain its place.

Senate Bill No. 282—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Senator Seawell asked unanimous consent to withdraw Senate Bill No. 282 and substitute in lieu on file Senate Bill No. 303.

Consent granted.

Senate Bill No. 282 withdrawn and ordered stricken from the file, and Senate Bill No. 303 substituted therefor on file.

Senate Bill No. 303—An Act making an appropriation to pay the sum fixed, awarded, and allowed by the State Board of Examiners as fees for services to date, of the additional counsel employed to assist the Attorney-General in the defense of the suit brought in the United States Circuit Court for the Northern District of California by the Southern Pacific Company against the Board of Railroad Commissioners of the State of California.

During the second reading of bill, the following amendment was submitted by Senator Seawell:

SUBSTITUTE FOR SENATE BILL No. 303.

An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for full payment for services rendered by additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners, in the Circuit Court of the United States for the Northern District of California.

SEC. 2. The amount herein appropriated shall be paid as follows: To W. W. Foote, in full for all of his services rendered in said suit, ten thousand dollars; to Robert Y. Hayne, in full for all of his services rendered in said suit, ten thousand dollars.

SEC. 3. The Controller is authorized to draw his warrant for the sum herein appropriated, and the Treasurer of the State is directed to pay the same.

SEC. 4. This Act shall take effect immediately.

Substitute adopted.

Bill ordered to print and engrossment.

Senate Bill No. 560—An Act to amend an Act entitled "An Act

supplementary to an Act entitled 'An Act concerning crimes and punishments,' passed April 16, 1850, approved March 20, 1872.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 561—An Act to amend Section 605 of the Penal Code of the State of California, relating to the removing, defacing, or altering landmarks.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Bill passed on file, but to retain its place.

CASE OF URGENCY.

Senate Substitute for Assembly Bill No. 863—An Act making an appropriation to pay the current printing expenses of the thirty-second session of the Legislature—having returned from the printer and been made a case of urgency this day, Senator Voorheis moved that the bill be taken up.

So ordered.

Bill read third time.

The roll was called, and Senate Substitute for Assembly Bill No. 863 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunnhart, Bulla, Chapman, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered immediately transmitted to the Assembly.

At eight o'clock and thirty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill passed on file, but to retain its place.

Senate Bill No. 449—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal corporations of the sixth class, approved March 27, 1885.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend as follows: In line 6 of Section 1 of printed bill, after the word "Treasurer," insert the words "a Recorder"; also, in line 6 of Section 1 of printed bill, after the word "Marshal," insert the following words: "who shall be ex officio Tax and License Collector"; also, in line 7 of Section 1 of printed bill, before the word "Marshal," insert the word "Clerk."

Amendment lost.

By Senator Smith:

Amend by striking out of Section 1, line 7, the words "and Recorder."

Amendment lost.

By Senator Dickinson:

Amend by inserting, after "Treasurer," in line 6 of printed bill, "a Recorder"; also, insert after "Marshal," in line 7 of printed bill, "who shall be ex officio Tax and License Collector," and also insert after "said," in line 6 of printed bill, the word "Clerk."

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 1, line 8, the words "and hold office at their pleasure," and inserting in lieu thereof "and hold office for two years next succeeding their appointment, unless removed for cause after a hearing had."

Amendment adopted.

By Senator Dickinson:

Amend by inserting, before last line of bill:

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Amendment adopted.

Also: Insert before last line of bill, "Sec. 3," to follow first amendment herein named.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 585—An Act to provide for the filling up or draining of lots upon which there is stagnant water or offensive substances, and providing for collection of costs of the same.

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 585 and substitute therefor on file Senate Bill No. 612.

Consent granted.

Senate Bill No. 585 withdrawn and ordered stricken from the file, and Senate Bill No. 612 substituted therefor on file.

Senate Bill No. 612—An Act to amend Section 7 of "An Act authorizing corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 134—An Act to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to

provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

During the second reading of bill, the following amendments were submitted by Senator Voorheis:

Amend by inserting the following after the title: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Also: Amend by striking out of Section 2, line 8, the word "secure," and inserting in lieu thereof the word "receive."

Amendment adopted.

Also: Amend by inserting in Section 2, line 11, the word "salary," after the word "stipulated."

Amendment adopted, and bill ordered to print and engrossment.

Senate Bill No. 522—An Act to amend an Act entitled "An Act to create an exempt firemen's relief fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen," approved March 26, 1895.

Bill passed on file, but to retain its place.

Senate Bill No. 5—An Act entitled an Act to amend Section 1 of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.

Senator Androus asked unanimous consent to withdraw Senate Bill No. 5 and substitute therefor on file Senate Bill No. 504.

Consent granted.

Senate Bill No. 5 withdrawn and ordered stricken from the file, and Senate Bill No. 504 substituted therefor on file.

Senate Bill No. 504—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

During the second reading of bill, the following amendments were submitted:

By the committee:

Amend by striking out of line 3, Section 2, page 1, printed bill, the word "having," and inserting in lieu thereof the word "has."

Amendment adopted.

Also: Amend line 8, Section 3, page 2, of printed bill, by inserting the words "shall be an," between the words "extent," and "ex."

Amendment adopted.

Also: Amend by striking out of Section 3, lines 26, 27, 28, and 29, printed bill, the words "the General Superintendent of the State Hospital for the Insane shall receive annually — dollars, payable monthly, in lieu of his traveling and incidental expenses," and inserting the following: "He shall also be allowed his actual traveling and incidental expenses, the same to be audited by the other members of the commission."

Amendment adopted.

Also: Amend line 11, Section 4, page 3, of printed bill, by striking out the word "in" and the word "to," and inserting, in lieu of the word "to," the word "from."

Amendment adopted.

By Senator Pedlar:

Amend Article III, Section 3, page 2, line 19, by inserting, between the words "insane" and "in," the words "at least one year of which must have been."

Amendment adopted.

Also: Amend Section 3, page 2, Article III, line 18, by striking out the word "three," and inserting in lieu thereof the word "six."

Amendment adopted.

By the committee:

Amend line 16, Section 12, page 7, by striking out the word "and," after "buildings," and the word "and" after "repair," and inserting in lieu thereof in both cases the word "or."

Amendment adopted.

Also: Amend line 16, Section 12, page 7, by adding "s" to the word "repair."

Amendment adopted.

Also: Amend line 17, Section 12, page 7, by striking out the words "to be."

Amendment adopted.

By Senator Pedlar:

Amend Article II, Section 6, page 12, line 26, by striking out the word "the" at the beginning of the line, and inserting in lieu thereof the words "private or."

Amendment adopted.

Also: Amend Article II, Section 6, page 12, line 31, by striking out the word "the," at the beginning of the line, and inserting the words "private or."

Amendment adopted.

By Senator Morehouse:

Amend by striking out of Section 12, line 23, page 7, all the section after the word "therein."

Amendment adopted.

By the committee:

Amend line 11, Section 3, page 9, by striking out the word "such," and inserting in lieu thereof the word "an."

Amendment adopted.

Also: Amend line 1, Section 5, page 11, by striking out the words "of such," and the letter "s" off of the word "boards," and inserting, between the words "boards" and "shall," the words "of managers."

Amendment adopted.

Also: Amend line 9, Section 5, page 11, by striking out the word "the" and inserting in lieu thereof the word "its."

Amendment adopted.

Also: Amend line 10, Section 5, page 11, by striking out the word "homœopathic."

Amendment adopted.

Also: Amend line 15, Section 5, page 11, by striking out the word "and," and inserting the words "who shall be."

Amendment adopted.

Also: Amend line 23, Section 5, page 12, by striking out the word "such," and inserting the word "any" in lieu thereof.

Amendment adopted.

Also: Amend line 24, Section 5, page 12, by striking out the word "such."

Amendment adopted.

Also: Amend line 26, Section 5, page 12, by striking out the words "and such" and inserting in lieu thereof the word "any."

Amendment adopted.

Also: Amend Section 6 by striking out subdivisions 4 and 5, and inserting in lieu thereof the following: "At the Homœopathic State Hospital, a first and second assistant physician, each a graduate of an incorporated medical college of the homœopathic school of medicine. They shall be practitioners of good moral character: the first assistant shall have had not less than two years' experience, and the second assistant not less than one year's experience in the care and treatment of the insane, in hospitals for the treatment thereof."

Amendment adopted.

Also: Amend Section 6 by making subdivisions 4 and 5 subdivision 4, and numbering subdivisions 6, 7, and 8 accordingly.

Amendment adopted.

Also: Amend line 64, Section 6, page 13, by striking out the word "by" and substituting the word "be" in lieu thereof.

Amendment adopted.

Also: Amend lines 76 and 77, Section 6, page 14, by striking out the words "including the woman physician."

Amendment adopted.

Also: Amend line 80, Section 6, page 14, by striking out the words "commission in lunacy" and inserting in lieu thereof, "State Lunacy Commission."

Amendment adopted.

By Senator Smith:

Amend by striking out of Section 5, page 11, lines 6 and 7, the words "in the hospitals of the State of California."

Amendment adopted.

By Senator Morehouse:

Amend by striking out of Section 10, line 1, page 5, the words commencing with the word "and," down to and including the word "court," in line 4, page 6.

Amendment adopted.

By Senator Smith:

Amend by striking out of Section 6, page 12, lines 25 and 26, the words "in the private or State hospitals of the State of California."

Amendment adopted.

Also: Amend by striking out of Section 6, page 12, lines 30 and 31, the words "in private or State hospitals of the State of California."

Amendment adopted.

By the committee:

Amend line 7, Section 1, page 22, by inserting the word "Lunacy" between the words "State" and "Commission."

Amendment adopted.

Also: Amend line 8, Section 1, page 22, by striking out the words "in lunacy."

Amendment adopted.

Also: Amend line 9, Section 1, page 22, by striking out the word "fifteen," and inserting in lieu thereof the word "twenty."

Amendment adopted.

Also: Amend line 11, Section 1, page 22, by striking out the words "length of."

Amendment adopted.

Also: Amend line 22, Section 1, page 22, by inserting the word "Lunacy," between the words "State" and "Commission," and by striking out the words "in lunacy."

Amendment adopted.

Also: Amend line 5, Section 2, page 22, by striking out the word "has" and inserting in lieu thereof the word "have."

Amendment adopted.

Also: Amend line 1, Section 3, page 23, by inserting, between the words "application" and "has," the words "for a commitment."

Amendment adopted.

Also: Amend line 50, Section 3, page 24, by striking out the words "the petition of the applicant" and inserting in lieu thereof the words "the application for commitment."

Amendment adopted.

Also: Amend line 59, Section 3, page 24, by inserting the word "Lunacy" between "State" and "Commission."

Amendment adopted.

Also: Amend line 60, Section 3, page 24, by striking out the words "in lunacy."

Amendment adopted.

Also: Amend line 62, Section 3, page 24, by striking out the word "petition," and inserting in lieu thereof the words "application for commitment."

Amendment adopted.

Also: Amend line 65, Section 3, page 24, by striking out the words "Commission in Lunacy," and inserting in lieu thereof the words "State Lunacy Commission."

Amendment adopted.

Also: Amend line 68, Section 3, page 24, by striking out the word "such."

Amendment adopted.

Also: Amend line 74, Section 3, page 25, by striking out the word "five" and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Also: Amend line 13, Section 5, page 26, by inserting after the word "maintenance," the words "unless otherwise ordered by the judge."

Amendment adopted.

Also: Amend page 26 by changing the number of section "seven" to number "six," and all the subsequent numbers of sections accordingly.

Amendment adopted.

Also: Amend line 32, Section 9, page 28, by striking out the word "fifteen" and inserting in lieu thereof the word "twenty."

Amendment adopted.

Also: Amend line 41, Section 9, page 29, by inserting, between the words "notify" and "the," the words "two" and "of."

Amendment adopted.

Also: Amend line 3, Section 17, page 32, by striking out the word "settlement" and inserting in lieu thereof the word "residence."

Amendment adopted.

Also: Amend line 8, Section 17, page 33, by inserting the word "Lunacy" between the words "State" and "Commission."

Amendment adopted.

Also: Amend lines 8 and 9, Section 17, page 33, by striking out the words "in lunacy."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco southward from its present southerly terminus, near the foot of Mission Street, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, lines 17, 18, and 19, the word "hundred" in line 17, and the words "one thousand bonds in the denomination of five hundred dollars each, and four hundred bonds in the denomination of one thousand dollars each," in lines 17, 18, and 19, and inserting the following: the word "thousand," in line 17.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 574—An Act amending Section 534 of the Political Code.

During the second reading of bill, the following amendment was submitted by Senator Androus:

Amend by adding before "Sec. 534," line 3, the word and figure "Sec. 1."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 12—An Act to prescribe conditions upon which certain

insurance associations, known as Lloyds, may be admitted to transact insurance business in this State.

Bill passed on file, but to retain its place.

Senate Bill No. 495—An Act to amend Section 622 of the Political Code of the State of California, relating to the retaliatory clauses concerning insurance companies.

Bill passed on file, but to retain its place.

Senate Bill No. 498—An Act to provide for investigation of fires by the insurance department, and to make provisions for the expenses of the same.

Bill passed on file, but to retain its place.

Senate Bill No. 164—An Act to amend Section 634 of the Political Code, in relation to insurance, approved April, 1878.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 164.

An Act to amend Section 634 of the Political Code, in relation to insurance, approved April, 1878.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and thirty-four of the Political Code is amended to read as follows:

It shall be lawful for any company organized under the general laws of this State to transact the business of life insurance, on any plan, to register with the Insurance Commissioner any of its contracts as may be mutually agreed upon by the company and the assured, such registration to consist in a written or printed list of such contracts, to be filed with the commissioner, showing the number of such contract on the books of the company and the date of issue.

Such list must be filed with the commissioner within thirty days after the issuance of the first registered contract, and must contain all such contracts issued up to the date of filing, and thereafter the company must, within ten days after each calendar month, file such statement embracing all its registered contracts issued since the filing of its last preceding list. Upon filing such list of contracts from time to time, the company must deposit with the commissioner, for the special security and benefit of such registered contracts, such securities as are provided for in Section 427 of the Civil Code.

Such deposit must be in an amount equal to the reserve or net value computed on a (4%) four per cent interest basis in accordance with the actuary's or combined experience table of mortality of all contracts registered up to the time of making the deposit, and must at all times thereafter be equal to the present or net value of all such registered contracts: *provided*, that no policy, except those issued on the endowment or annuity plan, shall be registered, unless it provides for carrying the insurance through the entire term of life.

Upon receipt of such securities, the commissioner must forthwith make a special deposit of the same, in packages marked with the name of the company from whom received, with the Treasurer of State, and such deposit shall be received and held by the Treasurer in his official capacity, in trust, for the benefit of such registered contract.

Such company may at any time withdraw any excess of securities above the present net value hereinbefore specified, upon satisfying the commissioner, by written proof, that such excess exists, and shall be allowed to receive the interest on all securities deposited, and may exchange such securities by substituting other securities of the character in which, by the laws of this State, it may invest its funds. No securities shall be withdrawn from the state treasury unless upon the written order of the acting president and secretary of the company making the deposits, which order must be indorsed by the commissioner, or upon the order and authority of some court of competent jurisdiction. The commissioner must place on each contract, on demand of such company, the following indorsement, under his hand and official seal: "I hereby certify that this contract is registered in the office of the Insurance Commissioner of the State of California, and its net value is deposited with the Treasurer of State, in trust for and the special benefit of the assured." The Insurance Commissioner shall collect no fees for complying with the conditions of this Act.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Senator Withington, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 26, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 24, 1897, was approved.

MEMORIAL TO THE SENATE.

The following memorial was presented by the President, and ordered printed in the Journal:

To the President of the Senate of California:

A bill is before the Legislature to limit the output of brooms from the Home for Adult Blind to the supply required for the State institutions.

This proposition is based upon the statement that the product of the blind mechanics is injurious to the outside broom shops. Dealing with the adult blind is everywhere a difficult problem. The average age at which they lose vision is far past the time of life at which men acquire trades when in possession of all their faculties. The blind are handicapped in learning a handicraft, not only by the age at which they must begin, but by absence of sight. Under such circumstances the instances are few in which they become full producers. There may be sixty persons in the Blind Home who are steady workers. Their average output is about one third that of whole men, so that their product is equal to that of twenty whole men. Is it not a reflection upon our trade and manufactures to say that in any branch the product of twenty men is a disturbing element?

Before the Home had been brought to efficiency by the management of a blind mechanic and merchant, we imported brooms largely from the East. After that time not only the home shop, but many private shops, were required to supply the home market, and importations were lessened.

Those who have not been in contact with the problem may well fail to understand the necessity of occupation to the moral and physical welfare of those who lose their eyes in adult age. The cause of that loss in a majority of cases may be traced to the prior industry and activity of the loser. Miners, active toilers in unskilled labor, mechanics in the lines which require use of the sight upon minute objects and machinery, are usually the sufferers. Their accustomed labors are impossible without sight, and without occupation they are preyed upon by introspection and lapse into disorders of mind and body. The Home furnishes many impressive illustrations of the unspeakable

benefit of employment, which draws the blind out of themselves and gives them a cheerful sense of usefulness in the world.

To limit the output of the Home to the needs of the State institutions will destroy its intended benefit to the unfortunate, for it can produce a year's supply for the State in one month. The evil wrought by eleven months' non-occupation will not be compensated by the benefit to outside manufactures, which will be inappreciably small.

It is idle to talk of substituting other activities for broom-making. That ground has been traversed for a century, and the experience of all such institutions, here and in Europe, confirms broom-making as the handicraft which the adult blind are best fitted to acquire and in which they find the occupation best suited to their condition. So, while there is no objection to experiment with other vocations, if broom-making is abolished or limited to an inadequate field, the usefulness of this most deserving and beneficial institution will be destroyed.

In behalf of its sightless inmates, I appeal to the Legislature to defeat the proposed measure.

JOHN P. IRISH.

'REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 138—An Act to amend Section 2903 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PEDLAR, Chairman.

Assembly Bill No. 138 ordered on file for second reading.

RESOLUTION.

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That when the Senate adjourns for the day such adjournment shall be until Monday morning, March 1st, at ten o'clock A. M., in order that the invitation extended on behalf of the University of California to the members of the Senate and Assembly, for a reception at Berkeley, on Saturday, February 27th, may be accepted.

The roll was called, and the resolution lost by the following vote:

AYES—Senators Bert, Boyce, and Seawell—3.

NOES—Senators Androus, Aram, Beard, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—31.

LEAVE OF ABSENCE.

Senator Stratton was granted a leave of absence for to-morrow.

Senator Dwyer asked a leave of absence from this day at one o'clock P. M. until Monday, March 1, 1897, and the leave of absence was refused by the Senate.

MOTION TO RECONSIDER.

Senator Withington moved that the vote whereby Senator Stratton was granted a leave of absence be reconsidered.

The roll was called, and the motion lost by the following vote:

AYES—Senators Aram, Bert, Braunhart, Dickinson, Henderson, Seawell, Toner, and Withington—8.

NOES—Senators Androus, Beard, Boyce, Bulla, Denison, Doty, Dwyer, Feeney, Gillette, Hall, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Trout, and Wolfe—21.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 407 refused passage by the following vote:

AYES—Senators Aram, Bulla, La Rue, Simpson, Stratton, and Withington—6.

NOES—Senators Bert, Boyce, Braunhart, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Linder, Mahoney, Morehouse, Seawell, Shine, Shippee, Smith, Toner, Trout, and Wolfe—23.

NOTICE OF RECONSIDERATION.

Senator Smith gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 407 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 314 passed by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Bulla, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—26.

NOES—Senators Androus, Aram, Bert, Denison, Dickinson, Gleaves, Mahoney, Morehouse, and Shine—9.

Title read and approved.

Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

The bill having been refused passage on a previous day, and the vote whereby it was refused passage having been reconsidered, the question was on its passage.

The roll was called, and Senate Bill No. 413 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

Bill passed on file, but to retain its place.

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

On motion of Senator Pedlar, Senator Stratton was appointed a special committee of one to amend the bill as follows:

Amend by striking out of line 2, Section 2, the word "eight," and inserting "seven."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER. SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 490, with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

AYES AND NOES.

On the adoption of the report of the special committee of one and amendment, the ayes and noes were demanded by Senators Braunhart, Feeney, and Henderson.

The roll was called, and the report of special committee of one and amendment adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Denison, Franck, Gleaves, Holloway, Jones, Luchsinger, Morehouse, Pedlar, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—19.

NOES—Senators Bert, Boyce, Braunhart, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Henderson, La Rue, Linder, Mahoney, Seawell, Shippee, Toner, and Wolfe—18.

Bill ordered to print and reëngrossment.

Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Androus offered the following Senate Concurrent Resolution, and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 8.

Resolved by the Senate, the Assembly concurring, That the Governor be requested to return to the respective houses, Senate Bill No. 1 and Assembly Bill No. 23.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

The Secretary was directed to immediately transmit Senate Concurrent Resolution No. 8 to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 480 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file, but to retain its place.

Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 451 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Jones, Langford, La Rue, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—28.

NOES—Senators Boyce, Feeney, and Linder—3.

Title read and approved.

Senate Bill No. 382—An Act to empower the legislative body of any incorporated city or town within the State of California to levy taxes and expend the same in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 382, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 382 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

Title read and approved.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 25, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: The published records do not show any concurrence by the Assembly in Senate amendments to Assembly Bill No. 419 and Assembly Bill No. 76. Both bills have been transmitted to me for my approval. I call your attention to this fact that such bills may be withdrawn for further action by the Assembly. The withdrawal of a bill sent to the Governor for his approval should be had on the joint action of both houses.

JAMES H. BUDD, Governor.

RECESS.

The hour of twelve o'clock and thirty minutes p. m. having arrived, the President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

RECONSIDERATION.

Senator Stratton moved a reconsideration of the vote whereby the following resolution was this day refused adoption:

Resolved, That when the Senate adjourns for the day such adjournment shall be until Monday morning, March 1st, at ten o'clock a. m., in order that the invitation extended on behalf of the University of California to the members of the Senate and Assembly, for a reception at Berkeley, on Saturday, February 27th, may be accepted.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Denison, Dickinson, Gleaves, Henderson, Linder, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Simpson, Stratton, and Voorheis—16.

NOES—Senators Braunhart, Bulla, Chapman, Doty, Gillette, Hall, Holloway, Jones, La Rue, and Trout—10.

The question recurring on the adoption of the resolution.

The roll was called, and the resolution lost by the following vote:

AYES—Senators Beard, Denison, Dwyer, Gleaves, Henderson, Linder, Prisk, Seawell, Shine, Shippee, Stratton, and Wolfe—12.

NOES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Simpson, Toner, Trout, Voorheis, and Withington—24.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes p. m.)

THIRD READING OF BILLS.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Bill passed on file, but to retain its place.

Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 396 finally passed by the following vote:

AYES—Senators Androus, Aram, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Trout, Withington, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Bill passed on file, but to retain its place.

Assembly Bill No. 68—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill passed on file, but to retain its place.

Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 622 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

Title read and approved.

Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Bill passed on file, but to retain its place.

Assembly Bill No. 454—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 454, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The word "Section" should be inserted at the beginning of line 1 of Section 1; also, insert the words "Section 2" at the beginning of line 1 of Section 2.

They therefore recommend that Senator Voorheis be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In compliance with the recommendation of the Committee on Rules and Revision, Senator Voorheis was appointed a special committee of one to amend bill as suggested by said committee.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 454, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

At two o'clock and thirty-two minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 460—An Act to amend Section 943 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 460, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 460 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Holloway, La Rue, Linder, Morehouse, Pedlar, Prisk, Shine, Shippee, Smith, Stratton, Toner, Trout, Voorheis, and Withington—27.

NOES—None.

Title read and approved.

Assembly Bill No. 459—An Act to amend Section 939 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 459, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 459 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Title read and approved.

Assembly Bill No. 26—An Act to amend Section 15 of an Act entitled an Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867." approved March 30, 1868.

Bill passed on file, but to retain its place.

Assembly Bill No. 255—An Act to amend Section 874 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to notice for bids for public work.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 255, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 255 finally passed by the following vote:

AYES—Senators Aram, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—25.

NOES—None.

Title read and approved.

NOTICE OF RECONSIDERATION.

Senator Dickinson gave notice that he would on next legislative day move a reconsideration of the vote whereby Assembly Bill No. 255 was this day finally passed.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 476—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill passed on file, but to retain its place.

Assembly Bill No. 607—An Act to amend Section 1670 of the Political Code of California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 607, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 607 finally passed by the following vote:

AYES—Senators Aram, Beard, Denison, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 104—An Act to amend an Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, approved March 28, 1872, amendatory of Section 25 thereof, relating to the construction of buildings.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 104, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 104 finally passed by the following vote:

AYES—Senators Aram, Beard, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis—28.

NOES—None.

Title read and approved.

Assembly Bill No. 495—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 495, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 495 finally passed by the following vote:

AYES—Senators Aram, Beard, Chapman, Denison, Flint, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—23.

NOES—Senators Doty, Gillette, and Prisk—3.

Title read and approved.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 373.

ASSEMBLY AMENDMENT.

Amend by inserting the words "by unanimous concurrence," after the word "thereof," in line 5 of Section 1 of the printed bill.

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 373?"

Senator Langford moved that the Senate do not concur in Assembly amendment.

The roll was called, and the motion carried by the following vote:

AYES—Senators Aram, Beard, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 180, relating to the acceptance and holding of private deposits of moneys, or other valuables, in the county treasury by the County Treasurers.

The bill having been finally passed on a previous day, the title, as amended, was read and approved.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 26, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 67—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703¹, concerning the distribution of estate and discharge of executors and administrators.

Also: Senate Bill No. 2—An Act providing for the destruction of municipal bonds of cities of the fifth class, where the same have been executed and remain unsold.

Also: Senate Bill No. 310—An Act for the protection of the Antwerp messenger, or homing pigeon.

JAMES H. BUDD, Governor.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 114—An Act to provide for the publication of the State Blue Book.

Bill passed on file, but to retain its place.

SECOND READING OF BILLS.

Assembly Bill No. 71—An Act to amend Section 4428 of the Political Code of the State of California, relating to the powers of Judges of Police Courts to call in Justices of the Peace to act in their place and stead.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS.

Assembly Bill No. 536—An Act to authorize the Board of Fish Commissioners to dispose of the hatchery located on Battle Creek, in Tehama County, and expend the proceeds of the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 536, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 536 finally passed by the following vote:

AYES—Senators Aram, Beard, Denison, Doty, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Voorheis, Withington, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893. (Substitute for Assembly Bill No. 83.)

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 742, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 742 finally passed by the following vote:

AYES—Senators Andrews, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—35.

NOES—None.

Title read and approved.

SENATE FILE—THIRD READING OF BILLS.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

Bill passed on file, but to retain its place.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Bill passed on file, but to retain its place.

Senate Bill No. 512—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be

known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county Boards of Election Commissioners.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 512 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Mahoney, Morehouse, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—25.

NOES—Senators Dwyer, Henderson, La Rue, Luchsinger, Pedlar, and Shine—6.

Title read and approved.

NOTICE OF RECONSIDERATION.

Senator Smith gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 512 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 169—An Act to promote the safety of employes and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

Bill passed on file, but to retain its place.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 398—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 101—An Act to provide for the purchase of land, the purchase

of machinery, the construction of a dam, and other improvements, by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 614—An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 692—An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, and State of California, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold-storage system for said asylum; to appropriate money therefor and provide for the expenditure of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building for the use and occupancy of the officers, employes, and patients of the Mendocino Asylum; to purchase furniture and furnish same—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 339—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Also: Senate Bill No. 291—An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 521—An Act to provide for additional improvements at the State Insane Asylum located at Agnews, in the County of Santa Clara, State of California, and to make an appropriation therefor.

Also: Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 292—An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses, residing at Evergreen, in the County of Santa Clara, at the Home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

Also: Senate Bill No. 38—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Also: Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 700—An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 620—An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 399—An Act making an appropriation for the purpose of constructing a reservoir, and laying and maintaining a line of pipe from said reservoir to the Marshall monument, and for other purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 56—An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor.

Also: Senate Bill No. 640—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor.

Also: Senate Bill No. 423—An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 400—An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor—and respectfully report that they have no further recommendation to make.

Also: Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor—and substitute therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass as amended.

Also: Senate Bill No. 321—An Act to establish a State Normal School in San Luis Obispo County, California, and making an appropriation of \$100,000 therefor—and substitute therefor.

Also: Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor—and committee substitute therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

Also: Senate Bill No. 341—An Act to provide for the construction of a reservoir for settling and storing water at the Preston School of Industry, and making an appropriation therefor.

Also: Senate Bill No. 342—An Act to appropriate money for the erection of additional buildings at the Preston School of Industry, at Lone, and for furnishing and equipping the same.

Also: Senate Bill No. 343—An Act to provide for certain improvements at the Preston School of Industry, and making an appropriation therefor.

Also: Senate Bill No. 564—An Act to appropriate money for the erection of a hospital building at the Preston School of Industry at Lone, California.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass, and Senate Bills Nos. 341, 342, 343, and 564 be withdrawn.

Also: Senate Bill No. 357—An Act to provide additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to equip the same for occupancy and use, to provide a system of electric lighting therein, and making an appropriation therefor.

Also: Senate Bill No. 358—An Act to provide for the erection of a suitable storage reservoir, to lay mains with all necessary connections, and to provide power and apparatus; to make and complete a new waterworks system for fire emergency, storage, and motive purposes, at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 361—An Act to provide for completion of the main building of the California Home for the Care and Training of Feeble-Minded Children.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass, and that Senate Bills Nos. 357, 358, and 361 be withdrawn.

Also: Senate Bill No. 387—An Act making an appropriation for the construction of a cement floor in the basement of the State Normal School building at Chico.

Also: Senate Bill No. 388—An Act making an appropriation for a fence in front of the grounds of the State Normal School building at Chico.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

Also: Assembly Bill No. 304—An Act to provide for the appointment of an auditing board to the Commissioner of Public Works, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 706—An Act authorizing the Clerk of the Supreme Court to furnish his office, and make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 288—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture, etc.

Also: Assembly Bill No. 65—An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$50,000 therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Senate Bills Nos. 398, 89, 87, 359, 101, 614, 692, 4, 118, 119, 389, 291, 521, 684, 292, 38, 288, 48, 700, 549, 620, 399, 56, 640, 423, 400, 488, 419, 321, 64, 357, 358, 361, 341, 342, 343, and 564, and Assembly Bills Nos. 304, 706, 288, and 65 ordered on file for second reading.

Senate Bills Nos. 387 and 388 withdrawn.

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, February 26, 1896.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Assembly Joint Resolution No. 27—Relative to the punishment of seamen for leaving a vessel before the expiration of the term of service agreed upon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GLEAVES, Chairman.

Assembly Joint Resolution No. 27 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments.

Also: Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889.

Also: Senate Bill No. 145—An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders.

And presented the same to the Governor on this day, at eleven o'clock and thirty-five minutes A. M.

Also: Senate Bill No. 189—An Act to amend Sections 566 and 641 of "An Act entitled an Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.

Also: Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Also: Senate Bill No. 129—An Act to amend Section 161 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

Also: Senate Bill No. 128—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates, or homestead or community property, on owner's death, in certain cases.

Also: Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.

And presented the same to the Governor on this day, at three o'clock and forty minutes P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 417 (reengrossed)—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Also: Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

JONES, Chairman.

Senate Bills Nos. 417, 467, and 473 ordered on file for third reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, Ed M. Skinner was on the 6th day of January, 1897, appointed a Messenger to the Committee on Judiciary, at a salary of \$4 per day; and

WHEREAS, He entered in and upon the discharge of his duties as such Messenger on the 10th day of January, 1897; and

WHEREAS, By omission he has not been paid for services rendered by him as such Messenger on the 10th, 11th, 12th, 13th, and 14th of January; now, therefore, be it

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of Ed M. Skinner, Messenger, for the sum of \$20, as payment for five days' services as such Messenger, rendered by him as aforesaid.

Have had the same under consideration, and find that, while Mr. Skinner was appointed Messenger to the Committee on Judiciary on January 6th, yet his duties did not actually begin until said committee was appointed, which was on January 11, 1897; that through an error in the Journal of January 6th (wherein it should have stated that appointments of Committee Messengers to assume their respective duties on January 11th), his name was entered on the payroll, and a warrant was drawn in his favor for \$16, presumably for January 6th, 7th, 8th, 9th, when no service could have been rendered at the time, as no such committee was then appointed.

On January 11th Mr. Skinner actually began work, and on January 16th a warrant was duly drawn in his favor for \$8, which amount, together with \$16, the former warrant (issued under erroneous information), amounted to \$24, the full sum he was entitled to for actual services rendered from January 11th to January 16th, inclusive. We find that Mr. Skinner has been paid for all services rendered, and therefore we respectfully report the said resolution back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Senators Aram, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—23.

NOES—Senator Mahoney—1.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 712—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER.
GILLETTE.
ARAM, Chairman.

Senate Bill No. 712 ordered on file for second reading.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 224—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health—have had the same under consideration, and amended it, and respectfully report the same back, and recommend that it do pass as amended, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bill No. 224 re-referred to the Committee on Finance.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

Also: Assembly Bill No. 128—An Act to enable any county, city and county, city, or town to lease property to any association of veteran soldiers, sailors, or marines.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SMITH, Chairman.

Assembly Bills Nos. 8 and 128 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 783—An Act to amend Section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BEARD, Chairman.

Assembly Bill No. 783 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 730—An Act to authorize the Board of Railroad Commissioners to reduce the fare on street railways in cities, cities and counties, and towns, and authorizing such board to require the issuance of commutation tickets for transportation on such street railways, and to fix the rates therefor—have had the same under consideration, and respectfully report the same back without recommendation.

DICKINSON, Chairman.

Senate Bill No. 730 ordered on file for second reading.

REPORT OF COMMITTEE ON ABROGATION OF JOINT RULES XL AND XLVIII.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your committee on conference concerning abrogation of Joint Rules XL and XLVIII report that we have met a like committee of the Assembly, consisting of Assemblymen Dibble, Chynoweth, and Caminetti, and we report that the committee was unable to agree, and would suggest that the proper and orderly method by which action should be taken to abrogate said rules is by concurrent action dispensing with the same under the provisions of Joint Rule L.

WOLFE,
SEAWELL,
WILKINGTON.

Conference Committee on part of Senate.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

The President pro tem. appointed Senators Dickinson, Luchsinger, and Henderson as a committee of free conference in regard to abrogation of Joint Rules XL and XLVIII.

RESOLUTION—(OUT OF ORDER).

Senator Wolfe offered the following resolution, and moved its adoption:

WHEREAS, There has been inexplicable and apparently inexcusable delay on the part of the Federal authorities, at Washington, D. C., in ordering the commencement of work on the post office building to be constructed on the site already purchased at the northeast corner of Seventh and Mission streets, San Francisco, and for which there is now \$210,000 available for immediate use, in the Treasury of the United States; and

WHEREAS, There is a large number of unemployed men in San Francisco, who have gathered there from all parts of the State, and who are anxious and clamoring for an opportunity to earn a living by honest toil, and who would be afforded the opportunity they desire if this work were begun at once; and

WHEREAS, The construction of a new post office at San Francisco is a necessity demanded, not only by the commercial needs of that city and the entire State, but will be a boon to every section whose mail must pass through that city; therefore, be it

Resolved by the Senate. That our Senators in Congress be instructed and our Representatives therein be requested and urged to take such action as will cause the proper authorities at Washington, D. C., to issue the necessary orders to have the work of constructing the San Francisco post office building begun forthwith; and be it further

Resolved, That a copy of these resolutions be forwarded to said Senators and Representatives in Congress by the Secretary of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunnhart, Bulla, Denison, Doty, Dwyer, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

Noes—None.

RECESS.

At four o'clock and thirty minutes P. M., the Senate took a recess until seven o'clock and thirty minutes P. M., on motion of Senator Simpson.

RECONVENED.

At seven o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Bulla, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Linder, Morehouse, Pedlar, Prisk, Simpson, Stratton, Trout, Voorheis, and Withington.

Quorum present.

Senator Morehouse asked unanimous consent to take up the consideration of Senate Concurrent Resolution No. 7.

Consent granted.

SPECIAL ORDER.

SENATE CONCURRENT RESOLUTION No. 7,

Approving the charter of the City of San José, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the qualified voters of said city, at a special election held therein for that purpose, on the 23d day of February, 1897.

WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now and was at all the times herein referred to a city containing a population of more than three thousand and five hundred inhabitants, and not more than thirty thousand inhabitants; and whereas, at a special municipal election, duly held in said city on Monday, November second, eighteen hundred and ninety-six, in accordance with law and the provisions of section eight of article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and whereas, the same was on January second, eighteen hundred and ninety-seven, signed in duplicate by all the members of said board of fifteen freeholders, and was, on said last-named day, returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Clara County; and whereas, such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit: "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January second, eighteen hundred and ninety-seven; and whereas, said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit, the Mayor and Common Council thereof, to the qualified electors of said city, at a special election previously duly called and thereafter held therein, on February 23, 1897; and whereas, the returns of said election were duly canvassed by said Mayor and Common Council of said City of San José, at a meeting held on Wednesday, February 24, 1897 (which said meeting was duly convened); and whereas, at said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and whereas, said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and whereas, the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State; and whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER OF THE CITY OF SAN JOSE,

PREPARED BY A BOARD OF FIFTEEN FREEHOLDERS, DECEMBER, 1896.

ARTICLE I.

BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing, known as the City of San José, shall remain and continue a body politic and corporate in name and in fact by the name of the City of San José; by that name shall have perpetual succession; may sue and defend in all courts and places, and in all matters and proceedings whatever. It may have and use a common seal and alter it at pleasure; may purchase, receive, and hold real and personal property within and without the city limits; may sell and dispose of the same for the common benefit; receive bequests and donations of all kinds of property in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests and donations, with power to manage, sell, or otherwise dispose of the same, in accordance with the terms of the bequest or donation.

SEC. 2. The boundaries of the City of San José shall be as follows: Beginning at a point in the center line of Second Street prolonged southerly, distant $1\frac{1}{2}$ miles southerly from the point of intersection of said center line of Second Street with the center line of San Fernando Street, and running thence northeasterly and parallel to San Fernando Street to a point in the center line of the channel of the Coyote River, distant 603 feet easterly from the point of intersection of said last-described line with the east line of the Senter Road, thence northwesterly and along the center line of said Coyote River channel to its point of intersection with the center line of Rosa Street prolonged northeasterly, said point of intersection being 2,125 feet northeasterly from the underground redwood city monument set at the intersection of the center line of Rosa Street with the center line of Sixteenth Street, thence southwesterly along said center line of Rosa Street and its prolongations to a point distant 690 feet southwesterly from the original west bank of the Guadalupe River, from which point an underground city monument set at the point of intersection of the center line of Spring Street with the western city limits bears south 32 degrees and 16 minutes east, 396.00 feet; thence southwesterly in a straight line to a point in the center line of San Fernando Street, distant 660 feet southwesterly from the point of intersection of said center line of San Fernando Street with the original west bank of the Guadalupe River, said point being also distant 231.61 feet southwesterly from the underground granite monument set at the intersection of said center line of San Fernando Street with the center line of Delmas Avenue; thence southeasterly and parallel to Second Street $1\frac{1}{2}$ miles, and thence at right angles northeasterly and parallel to San Fernando Street to the point of beginning.

The jurisdiction of said city shall extend to and embrace all that parcel of land known as the City Reservation, or Alum Rock Park, and that other parcel of land as now inclosed for a public cemetery and known and designated as Oak Hill Cemetery, including that portion of said cemetery owned by the corporation known as the Oak Hill Improvement Company.

SEC. 3. The city shall be divided into four wards, bounded as follows:

That portion of the city bounded on the northwest by the northern boundary line of said city, on the northeast by the center line of First Street, on the southeast by the center line of Santa Clara Street and the continuation of said center line of Santa Clara Street, along the center line of the Alameda road to the western boundary of said city, and on the southwest by the southwestern boundary of said city, shall be and constitute the first ward.

That portion of the city bounded on the northwest by the northern boundary line of said city, on the northeast by the center line of the Coyote River, on the southeast by the center line of Santa Clara Street, and on the southwest by the center line of First Street, shall be and constitute the second ward.

That portion of the city bounded on the northwest by the center line of Santa Clara Street, on the east and northeast by the center line of the Coyote River, on the southeast by the southeastern boundary line of said city, and on the southwest by the center line of First Street, shall be and constitute the third ward.

That portion of the city bounded on the northwest by the center line of Santa Clara Street and the continuation of said Santa Clara Street along the center line of the Alameda road, on the northeast by the center line of First Street, on the southeast by the southeastern boundary line of said city, and on the southwest by the southwestern boundary line of said city, shall be and constitute the fourth ward.

ARTICLE II.

ELECTIONS AND OFFICERS.

Chapter I—Elections.

SECTION 1. The provisions of all general laws governing elections for State and county officers not inconsistent with the provisions of this charter are hereby adopted as the law governing city elections, and the Mayor and Common Council and the City Clerk

respectively shall exercise the powers and perform the duties conferred or imposed by law on Boards of Supervisors and County Clerks concerning elections.

SEC. 2. The Mayor and Common Council shall prepare and submit to the qualified electors of the city for adoption, at a general or special election, a proposition embodied in an ordinance regulating primary elections within the city to choose delegates to city conventions held to nominate candidates for city offices, and until such proposition embodied in an ordinance has been adopted by a majority of the qualified voters voting at such election, a candidate for an office to be filled at a city election can be nominated only in the manner provided in Section 1188 of the Political Code.

SEC. 3. The City Clerk shall not file, or cause to be printed in the official ballots to be used at the polls, any nomination made otherwise than as provided in said section of the Political Code, until a proposition formulated by an ordinance governing primary elections within the city is adopted by vote of the qualified electors.

SEC. 4. The Mayor and Common Council shall provide for holding all city elections. The boundaries of the precincts shall remain as fixed for the election for state and county officers at the last general election preceding a city election, unless changed by ordinance of the Mayor and Common Council. Each inspector, judge, and clerk of election shall receive three dollars for his services.

The election returns from each precinct shall be filed with the City Clerk, who shall immediately place the same in the vaults of the City Clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the Common Council.

On the second day after a city election the Mayor and Common Council shall canvass said returns and declare the result. If two persons receive an equal number of votes for the same office, except the office of Mayor, the Common Council shall, by ordinance, select one of such persons to fill the office until the next general city election.

SEC. 5. After the result of an election is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate thereof and serve the same by depositing it with postage prepaid in the post office, addressed to the person elected or appointed; and within ten days thereafter, if the office be accepted, such person shall file the certificate with the oath of office attached, in the office of the City Clerk. When an official bond is required it shall be approved and filed within twenty days after the certificate of election is issued.

SEC. 6. The first election for city officers under this charter shall be held on the second Monday in April, 1898. The officers elected at that time shall take office immediately, and, except the members of the Common Council, shall hold until July, 1900. All charter elections, subsequent to the first, shall be held biennially on the third Monday in May, and the officers elected shall take office on the first Monday in July following their election; and except members of the Common Council, shall hold for two years and until their successors are elected and qualified. If this charter shall not be approved by the Legislature at its thirty-second session, the first election shall be held on the second Monday in April, 1899, and the officers elected shall take office immediately, and except members of the Common Council, shall hold until July, 1901. All general municipal elections, subsequent to the first, shall be held biennially on the third Monday in May, and the officers elected shall take office on the first Monday of July following their election, and, except members of the Common Council, shall hold for two years and until their successors are elected and qualified.

SEC. 7. The approval of this charter by the Legislature at its thirty-second session shall not work a vacancy in office, but all persons who, at the time of such approval, hold any city office which by this charter is made elective, shall continue to hold until the end of the term for which they were elected.

From and including the second Monday in April, 1897, to the second Monday in April, 1898, and until their successors are elected or appointed and qualified, the four School Trustees and the four Councilmen whose term of office would expire in April, 1898, shall constitute the Board of Education and the Common Council, respectively.

SEC. 8. On the second Monday in April, 1897, the Mayor, with the consent of the Common Council, shall appoint a City Clerk, who shall be ex officio Assessor, four Trustees of the Free Public Library, and one member of the Board of Health, to hold office for one year, and until their successors are elected or appointed and qualified.

SEC. 9. At the first election for city offices held under the provisions of this charter, and biennially thereafter at the general municipal elections, there shall be elected a Mayor, Treasurer, City Clerk, and five Councilmen. The Mayor, Treasurer, and City Clerk shall hold for a term of two years; but the same person shall not be eligible for election as Mayor for more than two consecutive terms.

Of the Councilmen, four shall be elected for the wards—that is, one for each ward—and one at large. The nominations of Councilmen for wards shall be made by the respective wards, and the person nominated shall be a resident of the ward for which he is chosen. Nominations for Councilmen at large shall be from the city at large. The certificates of nomination shall show whether the person is nominated at large or by ward, and in the latter case the name of the ward for which he stands. The official ballots shall be made to correspond. All candidates for Councilmen, whether at large or from the wards, shall be voted for by the electors of the entire city without respect to wards; and the nominee in each ward having the highest number of votes shall be declared the Councilman-elect from that ward.

The members of the Common Council chosen at the general municipal election in 1898, if prior to that time this charter shall have been approved by the Legislature, shall

so classify themselves by lot that three of them shall hold from the date of their election and qualification to the first Monday in July, 1902, and two of them from the date of their election and qualification to the first Monday in July, 1900. If the first general municipal election be not held until April, 1898, the Councilmen elected shall so classify themselves that three of them shall hold from the date of their election and qualification to the first Monday in July, 1903, and two of them from the date of their election and qualification to the first Monday in July, 1901.

At each election after the first general municipal election, Councilmen shall be elected to succeed those whose terms are about to expire, and they shall hold office for four years.

SEC. 10. At the first municipal election after this charter has been approved by the Legislature, there shall be elected fourteen qualified electors of the city, who, with the Mayor-elect, shall constitute an Appointing Board, to appoint the first members of the following boards of city officers, to wit: a Board of Health, Board of Education, Board of Free Public Library Trustees, Board of Park Commissioners, and Board of Police and Fire Commissioners.

Within ten days after the notice of their election the members of the Appointing Board shall file their certificates of election with the oath of office attached in the office of the City Clerk, and shall, within ten days after their qualification, at the call of said Mayor, stating the time and place, assemble and appoint the said several boards of city officers. At least eight affirmative votes shall be required for an appointment.

Each board appointed shall consist of five members. The City Clerk shall be ex officio secretary of said Appointing Board, and keep a journal of its proceedings, which said journal shall be filed in the office of the City Clerk when said board finally adjourns.

The persons so appointed shall take office on the first Monday of July succeeding their appointment and shall become the legal members of said boards to which they were appointed, with all the powers and duties conferred or imposed by law or ordinance on such boards respectively.

When all appointments have been made, and the appointees have qualified, the Appointing Board shall become *functus officio*. The members of the respective boards above enumerated shall so classify themselves by lot that the terms of office of the members shall expire in the manner following, that is to say: one member of the Board of Free Public Library Trustees shall go out of office at the end of the first year, one at the end of the second, one at the end of the third, and two at the end of the fourth year from the date on which they took office.

Of the Board of Education, two members shall go out of office at the end of the first year, one at the end of the second, one at the end of the third, and one at the end of the fourth year from the date on which they took office; of the Board of Police and Fire Commissioners, one member shall go out of office at the end of the first year, two at the end of the second, one at the end of the third, and one at the end of the fourth year from the date on which they took office; of the Board of Park Commissioners, one member shall go out of office at the end of the first year, one at the end of the second, two at the end of the third, and one at the end of the fourth year from the date on which they took office; of the Board of Health, one member shall go out of office at the end of the first year, one at the end of the second, one at the end of the third, and two at the end of the fourth year from the date on which they took office.

All appointees to said boards, subsequent to those made by the Appointing Board, shall hold for a term of four years.

As the terms of the members of the several boards shall expire, the Mayor shall fill the vacancies by appointment, and the appointees shall hold for four years.

SEC. 11. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of official duty, or is removed from office or ceases to be a resident of the city, or neglects to qualify by taking the oath of office and filing his official bond within the time prescribed by law or this charter, or shall absent himself from the city for more than fifteen days consecutively, without leave of the proper authority. The Mayor and Common Council shall not grant a leave of absence for a period longer than sixty days, in any case, except for the purpose of transacting official business.

A vacancy in any appointive office shall be filled for the unexpired term, by the board or officer having power under this charter to fill the office by appointment, at the end of the term in which the vacancy occurs.

Chapter II—Bonds and Salaries.

SECTION 1. Officers of the city, before entering upon the discharge of their official duties, and within twenty days after notice of their election or appointment, shall execute to said city such official bonds as may be required by law, ordinance, or this charter. When the amount of any bond is not fixed by law, ordinance, or this charter, and power to fix the same is not herein conferred upon any board or officer, it shall be fixed by ordinance. All bonds shall be approved by the Mayor and filed with the Clerk, and shall be recorded by the City Clerk in a book entitled "Official Bonds," and kept for that purpose, except the bond of the City Clerk, which shall be filed with the Mayor after being so recorded. The approval of every official bond must be indorsed thereon and signed by the officer approving the same, after the examination of the sureties as hereinafter provided.

SEC. 2. The following officers shall respectively execute to the City of San José official bonds, with sureties, in the following sums, viz.:

| | |
|---|------------|
| Mayor | \$5,000 00 |
| Treasurer and Collector | 50,000 00 |
| Clerk | 5,000 00 |
| Councilmen, each | 2,500 00 |
| Chief of Police | 5,000 00 |
| City Engineer | 5,000 00 |
| Superintendent of Streets | 5,000 00 |
| Superintendent of Schools | 2,500 00 |
| City Attorney | 1,000 00 |
| Chief Engineer of Fire Department | 1,000 00 |

SEC. 3. City officers shall not be accepted as surety for each other on official bonds. Every bond shall be made payable to the City of San José and contain a condition that the principal will faithfully perform all official duties then or that may thereafter be imposed upon or required of him, and that at the expiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Said bond must be executed by two or more sureties, but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions of not less than twenty-five hundred dollars; when there are more than two sureties, said sureties may justify in an amount which, in the aggregate, shall equal double the amount of said bond. The Mayor and Common Council may require the Treasurer to give a surety-company bond, in which case the expense of such bond shall be borne by the city.

SEC. 4. Every surety upon an official bond must justify in the manner prescribed by the Political Code of this State for official bonds.

SEC. 5. When an official bond is required of an officer the Mayor and Common Council may require an additional bond if, in their opinion, the original bond or any surety thereto becomes insufficient. If such additional bond be not given forthwith, the Mayor and Common Council must declare the office vacant, and thereupon it shall become vacant.

SEC. 6. The officers hereinafter named shall receive the following annual salaries:

| | |
|-------------------------------|------------|
| Mayor | \$2,000 00 |
| Councilmen, each | 300 00 |
| Treasurer and Collector | 1,500 00 |
| Clerk | 1,500 00 |
| City Attorney | 1,500 00 |
| Chief of Police | 1,500 00 |
| City Engineer | 1,800 00 |
| Street Superintendent | 1,200 00 |
| Health Officer | 300 00 |

Salaries of all officers shall be payable monthly.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Chapter I—The Common Council.

SECTION 1. The legislative power of the city is hereby vested in a Common Council consisting of five members, three of whom shall constitute a quorum; but a less number may adjourn from time to time or compel the attendance of other members. No order, except to adjourn for lack of a quorum or to compel the attendance of a quorum, and no ordinance or resolution, shall be valid unless it receive the affirmative votes of three Councilmen.

SEC. 2. Ordinances and resolutions are the formal acts of the Council reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts which, being less formal in character, require only to be duly passed by the Common Council and spread upon the minutes. No order, resolution, or ordinance shall have effect without the approval of the Mayor. In the case of orders the approval of the Mayor shall be presumed, unless at the same meeting at which the order was passed the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the Mayor, who shall, within five days after he has received the same, indorse his approval or disapproval thereon, giving the reasons for his disapproval. No ordinance or resolution shall be placed upon its final passage in the Council upon the same day that it has been introduced and read in full the first time; and every ordinance to be valid must be passed by a vote of not less than three Councilmen and approved by the Mayor; *provided*, that if the Mayor fail to approve the same, it may be passed by a vote of not less than four Councilmen, and shall then take effect as if approved by the Mayor.

SEC. 3. The style or enacting clause of all ordinances shall be: "Be it ordained by the Mayor and Common Council of the City of San José, as follows:"

SEC. 4. The Common Council shall have power to adopt rules for its own proceedings; to compel the attendance of witnesses and the production of papers in any matter under

investigation; to judge of the qualifications and election of its own members; to punish any member or other city officer by a fine not exceeding fifty dollars for disorderly or contemptuous behavior in its presence, and may expel a member or any city officer for continued neglect of his duties or the willful violation of any penal law or any provision of this charter; but in every case the member or officer accused, if holding office for a definite term, shall be entitled to have written charges preferred and be heard in his own behalf.

The ayes and noes shall be taken and entered in the journal of its proceedings at the request of any member; and must be so taken and entered upon the passage of all ordinances and resolutions, and in matters concerning the granting of franchises, making of contracts, allowing bills, ordering work to be done, or supplies to be furnished, disposing of city property, or any act that may involve the payment of money or the incurring of a debt against the city.

SEC. 5. All meetings of the Common Council shall be public, and the regular meetings shall be held on each Monday in the month, unless that day be a legal holiday, when the meetings shall be held on the following day. Adjournments may be taken from a meeting to a day certain, and in such case the adjourned meeting shall be deemed a continuance of the session.

SEC. 6. The Mayor shall preside at all meetings of the Common Council, but shall not be entitled to vote. In the absence of the Mayor from a meeting, the Common Council may choose one of their own number to preside, who shall retain the right to vote upon all questions under consideration, and shall have the same power to disapprove any order made by the Common Council, and with like effect, as the Mayor would have had if present at the meeting.

In case of vacancy or if by reason of absence from the city, or sickness, or from any other cause, the Mayor is unable to perform the duties of the office, the Common Council shall appoint one of their own number Mayor pro tem., who shall have all powers and authority which the Mayor would have possessed if personally present and attending to such duties, but such Mayor pro tem. shall not lose his vote as Councilman.

Chapter II—Subjects of Legislation.

SECTION 1. The Mayor and Common Council shall have power:

First—To make and enforce all such local, police, sanitary, and other regulations as pertain to municipal affairs, and for this purpose may define misdemeanors committed within the city limits or on lands under jurisdiction of the city, and provide for their punishment, although the offense constituting the misdemeanor be also a violation of the penal laws of the State.

Second—To define nuisances and to provide for their removal.

Third—To impose municipal licenses either for revenue or for regulation.

Fourth—To levy and collect taxes.

Fifth—To maintain a fire department, prescribe fire limits, and regulate for the protection of the city against fire.

Sixth—To maintain a police force.

Seventh—To protect the city against overflow.

Eighth—To prohibit and suppress gambling and gambling houses, lewdness and houses of ill-fame, and all indecent and immoral amusements and exhibitions.

Ninth—To prohibit the storage of gunpowder, oils, or other combustible substances in quantity.

Tenth—To regulate hospitals, pesthouses, and slaughter-houses, and to provide for their removal or discontinuance.

Eleventh—To provide cemeteries and regulate their management.

Twelfth—To establish and regulate a public pound.

Thirteenth—To provide a city prison, and require that prisoners undergoing sentence for misdemeanor shall perform such labor as may be prescribed.

Fourteenth—To construct and repair sewers, public buildings, and structures.

Fifteenth—To repair, clean, sprinkle, widen, straighten, and improve streets and sidewalks, and to open and close up streets.

Sixteenth—To impose, collect, and appropriate fines, penalties, and forfeitures for the commission of misdemeanors; but no penalty for the violation of an ordinance shall exceed the sum of one hundred dollars or imprisonment exceeding thirty days. The violation of any lawful order, resolution, or ordinance made by the Mayor and Common Council, or by any board or department of the city, shall constitute a misdemeanor, and shall be prosecuted in the name of the people of the State of California.

Seventeenth—To grant franchises; but there must be exacted for each franchise granted a certified check in an amount to be determined by the Common Council, to be forfeited to the city upon the failure to begin and finish the work required by the franchise.

Eighteenth—To maintain public schools and free public libraries.

Nineteenth—To sell or otherwise dispose of any or all the property of the city; provided, that none of said property shall be mortgaged or hypothecated for any purpose. No park or reservation shall be sold or leased, except a portion of the city reservation, or Alum Rock Park, may be leased for hotel purposes only, not exceeding two and one half acres, for a term of not more than twenty-five years, but no such lease shall in any manner restrict or interfere with the free use of the waters and grounds of the park by the public. The lessee shall be required by the terms of the lease to erect hotel build-

ings at a cost of not less than twenty-five thousand dollars. Said lease shall further provide that the premises leased and the business conducted thereon shall at all times be subject to such rules and restrictions as may be prescribed by the Park Commissioners. Any violation of the conditions of said lease shall constitute a forfeiture thereof, and the Mayor and Common Council shall enforce such forfeiture by proper proceedings.

Twentieth—To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and to prescribe, for any officer, duties other than those herein prescribed.

Twenty-first—To pass all orders, resolutions, and ordinances necessary or proper to a complete execution of the powers vested by law or inherent in the municipality.

ARTICLE IV.

REVENUE.

SECTION 1. On or before the last Monday in July in each year the City Clerk shall transmit to the Mayor and Common Council, accompanied with the estimates and reports of each department, an estimate of the probable necessities of the city government for the fiscal year, stating the amount required to meet the interest and principal on all bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. Such estimate shall also show what amount of income and revenue will probably be collected from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

SEC. 2. The Mayor and Common Council shall have full power and authority to assess and levy and collect taxes upon all taxable property in the city; *provided*, the maximum rate of taxation shall not exceed in any one year \$1 upon each \$100 valuation of property assessed, exclusive of the amount necessary to pay the principal and interest on the bonded indebtedness of the city.

SEC. 3. The Mayor and Common Council on or before the first Monday of February, 1898, and annually thereafter while any valid law exists for the assessment and collection of city taxes by officers of the County of Santa Clara, shall pass an ordinance electing to avail the City of San José of the provisions of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations," approved March 27, 1895, and shall cause a certified copy of such ordinance to be filed with the Auditor of said County of Santa Clara. If said Act shall be amended, or some other law be substituted in its stead, providing for the assessment and collection of city taxes by county officers, the Mayor and Common Council shall conform to the provisions of such amended Act or such law, in order to avail the city of the privilege of having its taxes assessed and collected by such county officers.

Until an ordinance shall be passed as aforesaid to avail the city of the privilege of having its taxes assessed and collected by the officers of said county, the City Clerk shall be ex officio Assessor; the City Treasurer in office when this charter is adopted shall be ex officio Tax Collector until the expiration of his term for which he was elected; they shall perform respectively the duties and have all the powers prescribed by law or ordinance for Assessors and Tax Collectors. While the city avails itself of the privilege of having its taxes assessed and collected by the county officers, the offices of City Assessor and City Tax Collector shall be abolished, but may be restored by ordinance when it becomes necessary or expedient so to do.

The taxes so levied and collected shall be apportioned by the Treasurer to the several specific funds.

SEC. 4. Subject to the provisions of Section 3 of this article, the Mayor and Common Council shall have power, and it is hereby made their duty, to provide by ordinances for the levying and collecting of all city taxes, and in so doing shall be governed by the State laws in reference to the levying and collecting of State and county taxes, as far as applicable, and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State and county purposes. Said taxes so levied shall be a lien against the property assessed, and said lien shall attach as of the first Monday of March, at 12 m. of each year.

SEC. 5. Whenever the Mayor and Common Council shall, by ordinance, determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, the Mayor and Common Council is hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the Mayor and

Common Council may issue bonds of said city in evidence of said indebtedness; *provided*, that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed five hundred thousand dollars.

ARTICLE V.

FINANCE.

Chapter I—Limit to Expenditure.

SECTION 1. It shall not be lawful for the Common Council, or any department of the city government having power to incur, authorize, or contract liabilities against the treasury, to incur, authorize, or contract any expenditure or demand against any of the specific funds in the treasury which, taken with all other expenditures, indebtedness, or liability made or incurred up to the time in the quarter of making or incurring the same, shall exceed one-fourth part of the money provided for such expenditure, indebtedness, or liability (actually collected and paid into the treasury) as and for the income and revenue for the fiscal year in which such liability, expense, or demand is incurred, and apportioned to the specific fund to be charged therewith.

SEC. 2. If at the end of any quarter any money remains unexpended in any of the specific funds, and which might lawfully have been expended during such quarter, such unexpended sum or sums, except so much thereof as may be requisite to pay all unpaid claims upon such specific fund that are outstanding, shall be carried forward in the same specific fund and expended by order of the Common Council, or of the department having the fund in charge, in any succeeding quarter of the same fiscal year, but not afterwards, except in payment of claims lawfully incurred during such fiscal year.

SEC. 3. All contracts, appropriations, allowances, payments, or liabilities to pay made in violation of the provisions of this chapter shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury. All members of the Common Council and of each board and department of the city government are charged with notice of the condition of the treasury, and of the extent of the demand against the same, and any member violating the provisions of this chapter shall forfeit the office which he holds, unless he was not present when such liability was incurred, or if present, caused his dissent therefrom to be entered on the minutes at the time.

SEC. 4. In case of great calamity, casualty, or other unforeseen occurrence, by which the enforcement of the provisions of this chapter would be detrimental to the public interests, the Common Council, or any board or department of the city, by unanimous vote of the members constituting the Common Council or such board or department, may, by resolution, specifying the reasons, suspend the operation of the provisions of this chapter for a period not exceeding three months; but such resolution shall have no effect unless the Mayor indorse his approval thereon.

SEC. 5. The operation of the provisions of this chapter requiring the revenue for the fiscal year to be actually paid into the treasury before any expenditure can be made or liability incurred against any specific fund shall be suspended if, at the beginning of the first fiscal year after the adoption of this charter, there shall not be sufficient money in said several funds, added to what would be available from other sources, to meet all legal demands against the treasury for the first five months of said fiscal year. In such case the Mayor and Common Council shall create a fund to be known as the cash-basis fund, for the purpose of putting the payment of the running expenses of the city government upon a cash basis, and to be used for no other purpose, and annually thereafter, until the purpose for which said fund was created has been accomplished, shall, at the time of levying other city taxes, levy not less than five cents on the one hundred dollars assessed valuation of property for such fund. This tax of five cents shall be within the one-dollar limit fixed by this charter in section 2 of the article on revenue. The money thus collected shall be allowed to accumulate in said fund until it shall be sufficient, together with the money already in said specific funds, to meet all legal demands against such funds for the first five months of the next succeeding fiscal year. At the beginning of said fiscal year the Mayor and Common Council shall direct the Treasurer to apportion, and the Treasurer shall apportion, the money in said fund to the several specific funds in like manner as other moneys are apportioned. When the money in said fund is so apportioned, said cash-basis fund shall be abolished, no further levy as provided in this section shall be made, and the said suspended provisions of this chapter shall thereafter become and continue in full force and effect.

Chapter II—Payment of Claims.

SECTION 1. Every claim and demand against the city, except bonds, coupons for interest, claims payable from the school fund, or from funds not controlled by the Mayor and Common Council, shall be verified and filed with the City Clerk, specifying in detail the goods furnished, the service performed, or other basis of the claim, and by what authority the goods were furnished or the service performed, giving date of the same, and the amount of the claim.

SEC. 2. After allowance by the Common Council, the City Clerk shall present such claim or demand to the Mayor, who, within five days thereafter, shall indorse thereon or annex thereto his approval or disapproval, and return it to the City Clerk. The Mayor may approve a claim in part, but where a claim is disapproved, in whole or in

part, the reasons of the Mayor must be given in full. The Common Council, by the affirmative votes of four of its members, may allow a claim or such portion of a claim as the Mayor has disapproved, but not otherwise.

SEC. 3. Upon the allowance of any claim a warrant shall be drawn on the City Treasurer in favor of the person to whom the allowance was made, specifying for what the warrant is drawn, the fund out of which it is to be paid, and that it can be paid only from the money actually collected and in the fund. The warrant shall be signed by the Mayor and countersigned by the City Clerk.

SEC. 4. Every claim against funds in the city treasury which may have been incurred or authorized by the Board of Education, the Board of Police and Fire Commissioners, the Board of Health, the Board of Park Commissioners, or the Trustees of the Free Public Library, shall be verified and presented to the board incurring or authorizing the indebtedness, who shall approve or disapprove the claim. It shall require at least three members voting in the affirmative to approve any claim. The president and secretary of the board or commission must certify the fact of such allowance, together with the amount allowed, the date of allowance, the name of the person or persons to whom the allowance is made, and the nature of the claim, to the City Clerk, who shall present the same to the Mayor for his approval, and upon its being approved, the City Clerk shall draw a warrant on the City Treasurer on the proper fund in payment of the same, which warrant must be signed by the Mayor and countersigned by the City Clerk. If the Mayor, within five days after presentation to him of the certificate of allowance as aforesaid, refuses to approve all or any portion of the claim so certified, or any item of a claim allowed, he must indorse his disapproval on the certificate and briefly give his reasons therefor.

He must also transmit to the board or commission allowing the claim a statement of the fact of his refusal to approve the claim or any portion thereof, and his reasons therefor. The claim or any portion thereof so disapproved can only be passed and ordered paid by the affirmative votes of four members of the board or commission from whom the authority for the claim was derived.

SEC. 5. To all claims there shall be attached, before filing, the affidavit of the claimant that the supplies or materials for which the charge is made have been furnished in quantity and quality, according to contract, and that the service has been rendered as ordered.

SEC. 6. No claim for commodities furnished or service performed shall be valid unless, prior to furnishing such commodities or the rendition of the service, authority for the same was given by the Common Council or some department of the city government having authority so to do.

No member of the Common Council or member of any department, and no city officer, shall have power to create any indebtedness against the city, or to furnish the basis of a claim, without said authority. A violation of this section shall be a misdemeanor.

No supplies, materials, or other item of expenditure for an amount exceeding \$100, shall be ordered or purchased by the Mayor and Common Council or any board or department of the city authorized to incur any expenditure, except after first advertising for sealed proposals, and awarding a contract to the lowest and best bidder. Each proposal must be accompanied by a certified check in an amount not less than ten per cent of the sum bid, which check must be forfeited to the city upon the failure of the person, firm, or corporation bidding to enter into the contract awarded. All contracts awarded by the Mayor and Common Council shall be by ordinance or resolution. A sufficient bond payable to the city, with two or more sureties, shall be required to secure a faithful performance of each contract awarded.

Chapter III--Of the Several Funds.

SECTION 1. The revenue paid into the treasury shall be at once apportioned by the Treasurer and be kept in separate specific funds as hereinafter provided, and it shall not be lawful to transfer money from one fund to another, or use the same in payment of demands upon another specific fund, except temporarily in payment of the principal or interest of the present bonded indebtedness.

SEC. 2. The several interest and sinking funds in the treasury authorized by law at the time this charter takes effect shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto, shall not be used or appropriated for any purpose other than that for which the same were raised.

SEC. 3. There shall be opened by the Treasurer the following specific funds, to wit: School Fund, Police Fund, Street Light Fund, Street Contingent Fund, Sewer Fund, Fire Department Fund, Health Department Fund, Park Improvement Fund, Library Fund, and General Fund.

The Mayor and Common Council, at the time of making the annual tax levy, shall levy for each of said specific funds an amount sufficient to meet the necessary expenditures therefrom. Said funds shall consist of moneys so levied and of such other moneys as may properly be apportioned thereto. In addition there shall be apportioned to the school fund all moneys arising from the sale, rent, or exchange of school property. The amount of money levied for grammar and primary schools shall be paid by the City Collector into the county treasury to the credit of the city school fund; to the park improvement fund all moneys accruing from rents of grounds, permits in the park, from public property under the control of the Park Commissioners, from the sale of articles from said parks, and moneys coming into said fund by donation or bequest; to the library

fund all moneys accruing to said fund by donation or bequest: to the general fund, the moneys paid for fines or fees, for licenses, and all other moneys not directed to be paid into any other specific fund.

SEC. 4. Out of the school fund shall be paid all sums necessary for the purchase, rent, and improvement of school sites; for the rent, furnishing, construction, alteration, and repair of school buildings; for the discharge of incumbrances on school property, for the salaries and wages of teachers, officers, and employees connected with or employed in the school department; for supplying the schools with lights, fuel, water, apparatus, and necessary school appliances, and for such other expenses of the school department as are necessary for the maintenance and proper conduct of the schools of the city.

SEC. 5. Out of the police fund shall be paid the salaries of the regular police force and all sums necessary for providing police stations, implements, and appliances, and such amount of money for the contingent expenses of the police department as the Board of Commissioners deem necessary.

SEC. 6. Out of the street light fund shall be paid all sums authorized to be paid for lighting the streets and such public buildings, offices, and institutions as are not specially provided to be maintained out of some other specific fund.

SEC. 7. Out of the street fund shall be paid all sums authorized to be paid for repairing and improving streets, which shall have been accepted so as to become a charge upon said city; for cleaning streets, crossings, and sewers; for street sprinkling; for all street work in front of or assessable upon property owned by said city or any department thereof, or by the Government of the United States; for all repairs upon the public streets deemed of urgent necessity; for all work authorized by the Mayor and Common Council which may be necessary for public health, or which cannot be assessed upon private property; and for all other expenditures on the streets and highways deemed necessary by the Mayor and Common Council and authorized by any provision of this charter.

SEC. 8. Out of the sewer fund shall be paid all sums authorized to be paid for the construction and repair of such sewers or system of drainage as may be ordered by the Mayor and Common Council, and which is not chargeable upon private property.

SEC. 9. Out of the fire department fund shall be paid the salaries and wages of all officers, members, and employees of the fire department, the salaries and wages of the officers, members, and employees of the fire alarm and police telegraph service, and the salary of the secretary of the Board of Police and Fire Commissioners; all sums authorized to be paid for the purchase of all apparatus, appliances, and things of every nature and description necessary for the extinguishment of fires, and for the complete equipment, maintenance, and operation of the department.

SEC. 10. Out of the health department fund shall be paid the salaries of all officers and employees of the Board of Health, and any and all other salaries and expenses incurred in the administration of said health department, and not expressly provided to be paid out of some other fund.

SEC. 11. Out of the park improvement fund shall be paid all sums authorized to be paid for such materials, supplies, tools, machinery, appliances, labor, and service, as well as for seeds, plants, vines, shrubs, trees, animals, and museums, which the Park Commissioners may procure for preserving, improving, and beautifying the public grounds under the control of said commissioners.

SEC. 12. Out of the library fund shall be paid the salaries and wages of officers and employees of the public library and reading-rooms, the purchase of books, journals, and periodicals, and such supplies as may be used in the maintenance of said library and reading-rooms.

SEC. 13. Out of the general fund shall be paid all claims not provided to be paid out of any other specific fund.

SEC. 14. If the Mayor and Common Council appropriate money for any other purpose besides those enumerated in this chapter, it shall at once, when paid into the treasury, be apportioned by the Treasurer and kept in a separate specific fund, which shall receive an appropriate designation, and out of said fund shall be paid only such demands as are properly chargeable thereto within the purposes of such appropriation.

SEC. 15. Any moneys remaining at the end of any fiscal year in any fund shall be carried forward to the same fund for the ensuing fiscal year.

SEC. 16. Any demand against the treasury, or against any fund thereof, remaining unpaid at the end of the fiscal year for lack of money in the treasury applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes, or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

Mayor.

SECTION 1. The chief executive officer of the city of San José shall be designated the Mayor. He shall be at least thirty years old, a citizen of the State, and a resident and qualified elector of the city for the five years next preceding the day of his election. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He

shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property. The books, records, and official papers of all departments, boards, officers, and persons, in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers, and persons are kept in legal and proper form. Any defalcation, or willful neglect of duty, or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the Common Council, in order that the public interests may be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Common Council information, in writing, relative to the state of the city, and shall recommend such measures as he may deem beneficial.

He shall have the books and records of all public departments pertaining to the finances of the city experty by a competent person at least once in every year. Any person refusing to submit to or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted.

SEC. 2. He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

SEC. 3. The Mayor, with the consent of the Common Council, shall appoint all officers and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term, and they shall possess the qualifications prescribed by this charter for eligibility to their respective offices.

SEC. 4. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. He shall have the general supervision of all city officers, elected or appointed.

He shall have power to suspend any city officer, except a member of the Common Council, for a dereliction, neglect, or non-performance of duty, and shall immediately, in writing, report the same to the Common Council. If the Common Council, after a hearing, approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Common Council. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé as in the case of malfeasance in office.

SEC. 5. The Mayor may, in writing, call special meetings of the Common Council. The call shall state the object of the meeting, and no business other than that stated therein shall be transacted.

City Attorney.

SEC. 6. Immediately after his election and qualification the Mayor, with the consent of the Common Council, shall appoint an attorney for the city, who shall be known as the City Attorney, and shall hold his office for two years, unless sooner removed for cause. The City Attorney shall have been an elector of the city for at least two years before his appointment. He shall be duly admitted to practice by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of at least five years next before his appointment. It shall be his duty to attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion in writing, whenever required in writing by the Mayor, Common Council, any board, or department, or city officer. He shall be the legal adviser of all city officers; he shall draft and approve the form of all official or other bonds given to and all contracts made with the city; he shall draft, when requested by the Mayor or Common Council, or any member thereof, any and all proposed ordinances, resolutions, or orders of the Common Council, and shall do and perform all other things touching his office required of him by the Mayor or Common Council. The City Attorney may be removed from office for cause.

Superintendent of Streets.

SEC. 7. The Mayor, with the consent of the Common Council, shall appoint a Superintendent of Streets, who shall hold office for two years. He shall perform the duties prescribed by this charter and such other duties as may be prescribed by law and the Mayor and Common Council. The Superintendent of Streets shall have authority, other than as prescribed by the Act mentioned in Section 1, Chapter I, Article VIII of this charter, as follows:

First—To have the general management and supervision of all public streets, under the regulations and directions of the Mayor and Common Council.

Second—To grant permits, under such regulations as the Mayor and Common Council may adopt, for the opening up of any portion of the public streets; for the tempo-

rary use of any part of any public street in front of a new building to be erected, or of an old building to be repaired; for the moving of houses, or for any other purpose other than the public use of any street.

Third—To remove, under direction of the Mayor and Common Council, all obstructions in the public streets.

Fourth—To superintend all necessary repairs of public streets not let by contract and ordered done by the Mayor and Common Council, and to make and superintend such other repairs of streets, sewers, drains, or river-banks and channels, as are in their nature an immediate and pressing necessity, and cannot be delayed without great inconvenience or damage to the public and come within the emergency cost limit prescribed by this charter.

Fifth—To have immediate control of the "corporation storeyard."

Sixth—To perform such other services relating to public works as may be made his duty by law or ordinance.

City Clerk.

SEC. 8. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, and other documents belonging to his office; to attend all the meetings of the Common Council and keep a journal of its proceedings. He shall have full power and authority to take all affidavits and administer all oaths necessary in the transaction of city business, but shall make no charge therefor. His official books and records shall be kept properly indexed and be open to public inspection during office hours. He shall number and keep a record of all demands allowed and certified to him by the boards and commissions created by this charter, which allowance has been approved by the Mayor, showing the date of approval, to whom the same is allowed, the nature of the claim, and the fund out of which the same is payable. He shall keep a complete set of books for the city, in which shall be set forth, in a plain, business-like manner, every money transaction, so that he can at any time tell the exact condition of the finance of the city. He shall report to the Mayor, monthly, the condition of each fund in the treasury. He shall make an annual report showing the sources from which the city's revenues were derived and how expended for the previous fiscal year. He shall issue all licenses and draw and countersign all warrants on the treasury. He shall prepare and present to the Mayor and Common Council, on the fourth Monday of July of each year, an estimate of the probable necessities of the city for the fiscal year, and shall do and perform all other acts required of him by this charter, or which may be required of him by the Mayor and Common Council not inconsistent with the duties of his office.

Treasurer and Collector.

SEC. 9. The Treasurer shall be ex officio Tax Collector. He shall collect licenses, and as Tax Collector shall perform the duties prescribed by law and the Mayor and Common Council. The Treasurer shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures under such rules and regulations as may be prescribed. He shall make a monthly statement to the Mayor and Common Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law and the Mayor and Common Council. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by this charter. He shall not deposit any moneys or public documents in his custody or under his control with any individual, firm, or corporation; but all such moneys and public documents must at all times be kept in the vaults of the city treasury. If he shall violate any of the provisions of this section he shall forfeit his office.

Chief of Police.

SEC. 10. The Chief of Police, for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful execution of their functions, shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of this State; and his lawful orders shall be promptly executed by deputies, police officers, watchmen, and constables in the city, and every citizen shall also lend him aid, when required, for the arrest of offenders, and maintenance of public order. He shall execute and return all process issued and directed to him by any legal authority; he shall enforce all ordinances passed by the Mayor and Common Council, and arrest all persons guilty of a violation of the same; he shall prosecute before some competent tribunal for all breaches or violations of city ordinances. He shall also have charge of the city prison and prisoners confined therein, and all those who are sentenced to labor upon the streets or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the Board of Police and Fire Commissioners.

City Engineer.

SEC. 11. The Mayor shall, by and with the consent of the Common Council, appoint a civil engineer and surveyor, who shall be known as the City Engineer. He shall perform the duties prescribed by this charter and such other duties as may be prescribed by the Common Council.

He shall have at least five years' practical experience as a civil engineer. He shall possess the same power in said city in making surveys, plats, and certificates as is or may be from time to time given by law to county surveyors, and his official acts and all

plats, surveys, and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of county surveyors.

The duties of the City Engineer, other than those prescribed by the Act mentioned in Section 1 of Chapter I, Article VIII, of this charter, shall be as follows:

First—To attend all council meetings held for the purpose of discussing, ordering, or accepting public work, and advise the council as to all engineering questions.

Second—To examine and report, when requested by the Mayor and Common Council, upon any proposed improvement, repair, or change in the public works of the city, not coming under the provisions of said Act.

Third—To perform all civil engineering and surveying necessary in the prosecution of such public work, prepare all plans and specifications, superintend their execution as far as their general scope is concerned, and certify as to the progress or completion of all such public work, improvement, change, or repair.

Fourth—To take especial charge of the system of underground street monuments and bench marks; reset them without delay if, by reason of street improvement, sewer work, or any other cause, they should be disturbed or permanently covered with concrete, bitumen, or otherwise, and to extend the system of underground street monuments as fast as the state of his work will permit, so as to cover all streets within the city limits.

Fifth—To keep all notes, books, and maps in his office thoroughly indexed and systematically arranged in such a manner that his work may be picked up at any time by any competent engineer.

Sixth—To give his exclusive time to the services of the city, and perform such other engineering duties as may be required of him by the Mayor and Common Council.

The City Engineer may appoint such deputies and assistants, not exceeding the number that may be fixed by the Mayor and Common Council, as the duties of his office may require. The deputies and assistants so appointed shall receive such compensation as may be fixed by the Mayor and Common Council, and they, or any of them, may be removed at pleasure by the City Engineer. All maps, plats, field notes, records, and other data made by the City Engineer shall be the exclusive property of the city.

ARTICLE VII.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the city shall be vested in a Police Court, consisting of one Police Judge, to be elected as other city officers are, at the general municipal elections of the city, and to hold office for two years. He shall be a qualified elector of said city. He shall be furnished by the city a suitable court-room and office, and shall be paid by the city a salary of two thousand dollars per annum. Any vacancy in his office shall be filled by the Mayor, with the consent of the Common Council. The city shall also provide a clerk and police officers for said court.

SEC. 2. The powers, jurisdiction, and authority of said Police Court shall be as provided by law and the ordinances of the city. Said court shall be always open for the transaction of business, except on legal holidays.

SEC. 3. The foregoing provisions of this article shall not take effect until the Mayor and Common Council shall deem it necessary or expedient to establish a Police Court, as above provided for, and shall by ordinance so declare and establish the same. Until the Mayor and Common Council shall so ordain, the provisions of the general laws of the State applicable to City Justices of the Peace shall be and continue in full force and effect.

ARTICLE VIII.

PUBLIC WORKS.

Chapter I—Improvement of Streets.

SECTION 1. An Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as since amended, and as hereafter shall be amended, is hereby adopted as a part of this charter, and shall have the same force and effect as if incorporated at length herein, except where the provisions of said Act conflict or are inconsistent with the provisions of this charter.

SEC. 2. When the estimated expense of any improvement being made under said Act exceeds two dollars per front foot along each line of the street proposed to be improved, the Superintendent of Streets, at the time of posting along the street the notices of the passage of the resolution of intention, shall cause to be deposited on the front doorstep of each dwelling fronting on the proposed improvement a copy of Part I of said Act.

SEC. 3. If the improvement is being made under the provisions of Section 13 of said Act, with the notice requiring the repair or reconstruction to be made, the Superintendent of Streets shall, in like manner, deposit a copy of Sections 13, 14, 15, 16, and 17 of said Act, and also a copy of any ordinance passed pursuant to Section 15 of said Act.

SEC. 4. If bonds are to be issued pursuant to an Act of the Legislature entitled "An Act to provide a system of street improvement bonds to represent certain assessments

for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893, and any assessment less in amount than \$50 remains unpaid for thirty days from the date of the warrant, or for five days after final decision on appeal, as provided in Section 11 of said Act, the Mayor and Common Council may, by resolution, order such assessment paid from the street contingent fund, and the Superintendent of Streets shall thereupon release said assessment on the books of his office as upon payment in other cases.

SEC. 5. At the beginning of each month the Superintendent of Streets shall file with the City Clerk a statement, verified by his oath, containing such items of expense of improvements made during the preceding month which could have been charged under the provisions of said Act as incidental expenses; said statement shall also show what amounts have been collected and what disposition has been made thereof. The City Clerk shall lay such statement before the Mayor, who shall carefully examine the same, and if he finds that the provisions of said Act in relation to the collection of incidental expenses have been observed, shall indorse his approval on said statement, and deposit it with the Clerk. The Mayor and Common Council shall not allow any claim for a service which could have been charged as incidental expenses under the provisions of said Act, except when the work is abandoned before letting a contract, or unless such service was ordered by the Mayor and Common Council before it was performed.

SEC. 6. All bids for public work shall be made upon printed forms, to be prepared by the Superintendent of Streets, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine, and not collusive or sham; that he has not colluded, conspired, connived, or agreed, directly or indirectly, with any other bidder or person, to put in a sham bid, or that any other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against said city, or any person interested in said improvement, for himself or any other person.

No person, corporation, or firm shall be allowed to make or file, or be interested in, more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

SEC. 7. No surety on any bond required under this article shall be taken unless he be a resident and freeholder in the State of California, and he shall justify (for which a form shall be printed on said bond) that he is such resident and freeholder, and that he is worth the amount for which he becomes surety, over and above all his debts and liabilities, in unincumbered real property, situated in said State, standing of record in his own name and assessed to him, and on which the taxes are not delinquent. Said bond shall be approved by the Mayor. If such surety be a non-resident of the County of Santa Clara, his sufficiency shall be certified by the Superior Judge of the county where he justifies, whose certificate shall be indorsed on said bond before the same is presented to the Mayor for approval.

A bond of a surety company, organized and existing under the laws of the State of California, may be taken, if approved by the Mayor and Common Council.

SEC. 8. When the work under any contract shall have been completed, the contractor shall make out and file in the office of the Superintendent of Streets an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with any one on his behalf, to accept a price from him less than the price named in said contract, nor to make any rebate or deduction to him from such price, and no assessment shall be made until said affidavit is filed. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work, other than the property owners who were parties to the agreement, and shall operate to void, as to such persons so defrauded, any assessment made or the work done under said contract.

SEC. 9. If any check or bond required to accompany a bid for work authorized by this article shall be forfeited for failure, neglect, or refusal of the bidder to enter into the contract to do said work, the Mayor and Common Council shall not have power to relieve from or remit such forfeiture, unless it be shown by the contractor that errors have been made in the proceedings sufficient to vitiate the contract.

SEC. 10. The Mayor and Common Council shall select some place in said city, which shall be known as the "corporation storeyard," wherein shall be kept all supplies, material, implements, and machines belonging to said city, and shall provide for the proper care and protection thereof.

Chapter II—Opening of New Streets.

SECTION 1. An Act of the Legislature of the State of California entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, and any Acts amendatory thereof, or supplemental thereto, now or hereafter made, are hereby adopted as a part of this charter, and shall have the same force and effect as if incorporated at length herein, except where the provisions of said Act or Acts conflict or are inconsistent with the provisions of this charter.

SEC. 2. No street hereafter laid out or opened shall be approved or become a public street unless the same shall be at least sixty feet in width, and two hundred feet distant from any parallel street, except it shall be the extension of a street already in existence.

SEC. 3. In all cases where lands in said city shall be hereafter subdivided and laid out in blocks or plats, sub-lots, streets, and alleys, or where new streets or public grounds shall be laid out, opened, donated, or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Mayor and Common Council for approval, and if it approves the same, such approval shall be indorsed on said map or plat, and said map shall then be filed in the office of the County Recorder. Without such approval indorsed thereon, no such map or plat shall have any validity to dedicate to public use any street, alley, or public ground, nor shall any such street, alley, or public ground be subject to any public improvement or expense.

Chapter III—Of the Sewers and Drainage.

SECTION 1. The Mayor and Common Council, with the advice of the City Engineer, shall prescribe the location, form, and material to be used in the construction, reconstruction, and repairing of all public sewers, manholes, sinks, drainage, cesspools, and other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection, and shall, by ordinance, prescribe the penalties of any violation thereof. Contracts for all of said work (excepting private sewers and drains), shall be based upon plans and specifications made by the City Engineer upon an order of the Mayor and Common Council, shall be let in the same manner as prescribed in this charter for other contracts. The work shall be done under the supervision of the City Engineer and Superintendent of Streets, and shall be accepted and paid for out of the sewer fund upon a certificate signed by both said City Engineer and said Superintendent of Streets, stating that the work has been completed to their satisfaction and in every particular agreeable to said plans and specifications. The Superintendent of Streets shall be sewer inspector.

Chapter IV—Park Commissioners.

SECTION 1. The tract of land known as Alum Rock Park, or the City Reservation, shall be under the control and management of a board of five commissioners, who shall be styled "The Board of Park Commissioners."

SEC. 2. Said commissioners shall organize as a board by electing one of the number president, and may elect a secretary, who may be a member of the board. The person so elected president shall hold his office for one year, and until his successor is elected. Said commissioners shall receive no compensation. Three of said commissioners shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 3. Said Board of Park Commissioners shall have the full and exclusive power to govern, manage, and direct the said park, and such other grounds as have been or shall be placed under its care and charge, subject to the right of the Mayor and Common Council to lease a portion of said reservation as herein provided; to employ and fix the compensation of such employés as may be necessary for the proper care and improvement of the park; to expend the moneys appropriated by the Mayor and Common Council, or received from any source for the purpose of managing and improving said public grounds; to appoint a superintendent, who shall have the same power of arrest as is vested in police officers.

SEC. 4. The park police shall have authority to arrest.

SEC. 5. The board shall have exclusive control and disposition of the moneys provided for the management and improvement of said public grounds.

SEC. 6. It shall be lawful for such Board of Park Commissioners to pass and adopt such rules and regulations as they may deem necessary for the regulation, use, and government of said reservation and grounds under their supervision. Such rules and regulations shall, within five days after their passage, be posted in at least three conspicuous places on said grounds.

SEC. 7. The board shall annually, and on the third Monday of July of each year, make to the Mayor and Common Council of the city a full report of its proceedings, and a detailed statement of its receipts and expenditures, and an estimate of the probable necessities and expenses of the next fiscal year.

SEC. 8. The Common Council is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax not less than three cents upon each one hundred dollars assessed valuation of taxable property within the City of San José, for the purpose of preserving, maintaining, and improving the parks and grounds under the control of the Park Commissioners. All moneys collected and arising from the said tax, and from baths or other sources, shall be paid by the Tax collector, or other officer collecting the same, into the treasury of said city, and shall be deemed to be thereupon appropriated and set apart for any salary or expenditure incurred in the management, maintenance, preservation, and improvement of said parks and grounds.

ARTICLE IX.

SCHOOL DEPARTMENT.

SECTION 1. The school department shall comprise all the public schools in the City of San José, except the State Normal School, and shall include primary and grammar schools and high schools, and may, at the discretion of the City Board of Education,

include evening schools, kindergartens, and technical or industrial schools; *provided*, that no school moneys shall be used for kindergartens or technical schools when such use will prevent the board from maintaining free primary, grammar, and high schools for ten months, and the necessary evening schools for four months, in each year.

Sec. 2. The government of the school department is hereby vested in a City Board of Education, consisting of five members, one from each ward and one at large, who shall serve without compensation.

Sec. 3. No person shall be eligible to become a member of the Board of Education who is not at least 25 years of age, and who has not been a resident of the city for three years next preceding his or her appointment. Said appointment shall be without regard to politics and from heads of families, irrespective of sex.

Sec. 4. The Board of Education shall enter upon the discharge of their duties on the first Monday in July after their appointment, and the board shall meet upon said date and organize by electing one of their number president, whose term of office shall be one year. They shall hold regular meetings at least once each month, at such place and time as may be determined by its rules. Special meetings may be called by the president or by any three members. No business shall be transacted at such special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of three members shall be necessary to pass any order. The sessions of the board shall be public, and its minutes open to inspection. The board may determine the rules of its proceedings, and the ayes and noes shall be taken and recorded when demanded, and they shall be taken and recorded on all questions involving elections or appointments, or the expenditure of money.

Sec. 5. The powers and duties of the Board of Education are as follows:

First—To establish and maintain public schools, as herein provided, and to change, consolidate, and discontinue the same.

Second—To manage and control the school property.

Third—To employ, pay, and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election of a teacher or other person employed by the board shall be construed as a contract, either as to the duration of time or amount of wages of such person.

Fourth—To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

Fifth—To establish and regulate the grade of schools and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the board shall not be changed within a period of four years after its adoption.

Sixth—To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seventh—To select plans for and supervise and control the construction of school buildings; to alter, repair, or rent the same, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

Eighth—To take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the city.

Ninth—To grade, fence, and improve all school lots.

Tenth—To sue or to defend suits when necessary in administering the affairs of the school department.

Eleventh—To determine, annually, the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same; and the amount so determined by said Board of Education shall be reported in writing to the Mayor and Common Council. This report shall specify the proper items of the amount of money required, in addition to state and county school moneys, to maintain grammar and primary schools, the amount required for the high school and other city schools, and what will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones.

The Mayor and Common Council is hereby authorized and required to levy and collect as school tax the amount asked for by the Board of Education, when said amount does not exceed the sum of fifteen cents on each one hundred dollars valuation, as shown by the assessment roll. When the amount asked for exceeds the sum of fifteen cents on the one hundred dollars valuation, the Mayor and Common Council may, in its discretion, levy and collect as tax a sum not to exceed twenty-five cents on the one hundred dollars valuation, as shown by the assessment roll, but there shall be levied and collected not less than fifteen cents on the one hundred dollars valuation, as shown on the assessment roll.

Twelfth—To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and in kindergartens to prohibit the attendance of children under four years of age.

Thirteenth—To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the board may direct, of

tuition fees, to be fixed by the board; *provided*, that the tuition required and collected shall in no case be less than the cost per capita of maintaining the school to which the pupil is admitted.

Fourteenth—To dispose of, at public or private sale, such personal property as shall no longer be required by the department.

Fifteenth—To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

Sixteenth—To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

Seventeenth—The City Board of Education may provide for special examinations for positions in high schools, kindergartens, or technical schools, and issue upon such examinations special certificates.

Eighteenth—In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Common Council, incur extraordinary expenses in excess of the annual limit provided by this charter, for repair, construction, and finishing of school-houses, and the Mayor and Common Council may, by ordinance, cause to be transferred to the school fund, from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

Nineteenth—To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever. And, generally, to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools in the city.

Sec. 6. It shall be the duty of the board to prescribe a course of study for its high schools, and prescribe the text-books to be therein used.

Sec. 7. Each member of the board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.

Sec. 8. The Board of Education shall immediately after its organization elect a City Superintendent of Schools, who shall hold his office for four years, unless sooner removed for cause, and by four affirmative votes after a full investigation. Said Superintendent shall, upon his election, become an ex officio member of the board, but shall not be entitled to vote.

They may also, when they deem it necessary, elect a Deputy City Superintendent.

They shall fix the salary of the City Superintendent of Schools and of the deputy, if there be one, and said salaries shall not be changed during their term of office.

The City Superintendent shall be ex officio secretary of the board.

Sec. 9. The Board of Education shall elect two of its members, who, together with the City Superintendent, shall constitute a Standing Committee on Classification, and in this committee the City Superintendent shall be entitled to a vote.

Sec. 10. It shall be the duty of the School Superintendent:

First—To report to the Board of Education annually, and at such times as it may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, with such recommendations as he may deem proper.

Second—To visit each school and thoroughly examine each grade thereof at least once a month, and at such other times as the welfare and efficiency of the schools demand.

Third—To observe and cause to be observed such general rules for the regulation, government, and instruction of the schools as may be established by the board.

Fourth—The Superintendent may, for cause good and sufficient, in his judgment, suspend any teacher employed in the schools of the city until the next meeting of the Board of Education.

Fifth—To recommend to the board the dismissal of teachers, stating the reasons therefor.

Sixth—To attend all sessions of the board, and give information at each session of the condition of the public schools, school-houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in this city.

Seventh—To acquaint himself with all the laws, rules, and regulations governing the public schools in the city, and the judicial decisions thereon, and give advice upon all matters connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians.

Sec. 11. He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank books, books for indigent children, apparatus, and such other school appliances as may be necessary for the use of the city schools and the board for one year following.

Sec. 12. The Board of Education shall, upon the receipt of the statement from the Superintendent, as in the preceding section provided, call for sealed bids for furnishing the articles in said statement specified.

These bids may be by advertisement in some daily paper published in the city, or by sending notice that bids will be received as stated, to the several San José dealers in the lines of the articles wanted.

These bids shall be publicly opened in the office of the City Superintendent, and the contracts awarded to the lowest and best bidders.

SEC. 13. The Committee on Classification shall make themselves thoroughly acquainted, by personal inspection, with the work of every employé of the board, and it shall be the duty of this committee, at least twenty days before the close of the school year, to make a written report to the board, stating what duties are being discharged by each employé and the nature of the service rendered. In this report they shall distinctly state what employes shall, in their opinion, be retained for the ensuing year.

SEC. 14. No teacher shall be elected or appointed to a position in the school department, except in technical or industrial schools that may be established, or as special teacher of some branch, who does not hold a California primary or grammar grade certificate, in full force; and no one shall be elected to a permanent position who has not taught successfully at least one school year in the schools of the city. All teachers thus elected to permanent positions in the department, who are reported upon favorably by a majority of the Committee on Classification, shall retain their positions for the ensuing year without reelection, and shall be removed only for cause. No teacher shall be removed from a position held in the schools of the city, except by the votes of four members of the board. All claims payable out of the school fund shall be filed with the secretary of the board, and before payment shall be approved by a majority of all the members elected to said board, upon a call of ayes and noes, which shall be recorded.

ARTICLE X.

POLICE AND FIRE DEPARTMENT.

SECTION 1. The police and fire department shall be under the control and management of a Board of Police and Fire Commissioners. They shall not be less than twenty-five years of age, and must have been residents of said city for at least five years prior to such appointment. They shall hold office for four years, and until their successors have been appointed and qualified. Said board shall be so composed that there shall never be at any time more than two commissioners from the same political party. They shall serve without compensation.

SEC. 2. The commissioners shall meet in said city within ten days after their appointment, and organize as a Board of Police and Fire Commissioners, and elect one of their number president, who shall hold his office for one year. They shall elect a secretary, who shall perform such duties as may be prescribed by the board. No commissioner shall be eligible for any other office under the city, county, or state government during his incumbency as said commissioner, except the office of notary public or officer of state militia.

SEC. 3. The sessions of said board shall be public, except that executive sessions may be held in special cases by unanimous vote. Said board shall meet at least twice a month, and at the call of the president. Three members shall constitute a quorum, but a less number may adjourn from time to time. A vote of three members shall be necessary to pass any resolution.

SEC. 4. Said board shall have power:

First—To prescribe the salaries, qualifications, duties, rank, badges of office and uniforms of the officers, members, and employes of said department.

Second—To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.

Third—To hear and summarily determine all complaints of misconduct, inefficiency, or violation of the rules, or other charge against any officer, member, or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline, and efficiency of such department. In all investigations or trials conducted by said board, the president thereof shall have the power to issue subpoenas for the attendance of witnesses, and the production of papers before it. Such subpoenas shall be served by any policeman. Any member of the board may administer oaths and affirmations in the conduct of said investigations.

Fourth—To appoint, at the request of the Mayor, for one day only, special policemen, who shall be under the supervision and control of the Chief of Police.

Fifth—To require all electric, telegraph, and telephone wires to be located, laid, erected, and maintained subject to their approval.

Sixth—The board shall have power to make all necessary rules and regulations to carry into execution the foregoing powers and all other powers vested in said board by this charter, or by any ordinance of the Mayor and Common Council passed pursuant thereto, or by the Constitution and laws of this State; and in general to manage and control said departments.

SEC. 5. The board shall maintain a fire alarm and police telegraph or telephone, and shall manage and control the same, appoint the superintendent thereof, in like manner with other employes of the police and fire department.

SEC. 6. The police department shall consist of a Chief of Police and such captains, detectives, and other policemen as the board may determine to be necessary; provided, the police force, other than the Chief of Police, shall not exceed one police officer for each one thousand inhabitants of the city.

SEC. 7. The fire department shall consist of a Chief Engineer and assistants, and as many drivers, engineers, hosemen, and other employes as the board may determine to be necessary.

SEC. 8. The board shall, annually, on or before the third Monday in July, render to the Mayor and Common Council a verified, itemized account, in writing, of all moneys

received and disbursed during the preceding year, and shall report to the Mayor and Common Council an estimate of the money that will be required to pay all salaries and expenses of the police department and the fire department, including the fire alarm and police telegraph or telephone service, for the ensuing year, specifying in detail the proper items for which the same will be required.

SEC. 9. Said board shall supervise and possess full power and authority over all the funds, moneys, and appropriations made for the use of the police and fire departments, and also the organization, government, and discipline of said departments, and shall have control of all the property and equipments belonging to said departments.

SEC. 10. If this charter be approved by the Legislature at its thirty-second session, the officers and members of the police and fire departments in service at that time shall constitute the police force and fire departments respectively, till the Board of Police and Fire Commissioners have organized, when appointments to said departments shall be made. If not approved until the thirty-third session, those in service at that time shall constitute the police force and fire department, respectively, till the first Monday in July, 1899, at which time the commission shall appoint all officers and members of the police and fire departments respectively. Those of the old force in the police and fire departments who are reappointed by the Board of Police and Fire Commissioners shall hold their positions during good behavior and efficiency. All new officers and members shall be appointed for only one year and on probation. Reappointments from their number shall be during good behavior and efficiency.

SEC. 11. The officers, members, and employees of said police and fire department shall be appointed by said board immediately after its organization, and shall retain their positions during good behavior and efficiency, but no appointments or removals shall be made for political reasons, nor shall any removal be made except for cause.

SEC. 12. All persons appointed in said departments must be citizens of the United States, of good character for honesty and sobriety, able to read and write the English language, and residents of said city at least three years next preceding their appointment, and at least twenty-one years of age. All new appointments to the police force shall possess the physical requirements for recruits in the infantry service of the United States army, and must pass a medical examination, under such rules and regulations as may be prescribed by said board.

SEC. 13. No member of the police or fire department shall be eligible to any other public office while connected with such department, nor shall he take part in any convention held for political purposes, nor shall he be a member of any political club. No member of said department shall interfere with politics on an election day, or at any other time, except to exercise his right to vote, while employed in said departments.

ARTICLE XI.

FREE PUBLIC LIBRARY.

SECTION 1. The Free Public Library shall be under the management of a board of five trustees. The present Board of Trustees of said library shall have the management and control thereof until its successors are appointed and qualified as provided in this chapter.

SEC. 2. The position of trustee shall be one of honorary trust, without salary or compensation, and all appointments shall be made without regard to politics and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city for at least five years prior to their appointment.

SEC. 3. The Mayor and Common Council shall, at the request of the Board of Trustees, in making the annual tax levy, and as a part thereof, if the maintenance of the library has not otherwise been provided for, levy a sum of not less than 3 cents, nor more than 5 cents, on the hundred dollars assessed valuation for the purpose of maintaining said library and for purchasing books, journals, and periodicals, and for constructing such buildings as may be necessary.

SEC. 4. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of any such donation or bequest, said board shall provide for the safety and preservation of the same and the application thereof to the use of said library in accordance with the terms and conditions of such donation or bequest.

SEC. 5. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, or bequest, or otherwise, for the purpose of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for and defended by action at law or otherwise.

SEC. 6. The board shall meet at least once each month, and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its number president, who shall serve for one year and until his successor is elected, and shall elect a librarian and such assistants as may be necessary. It may elect a secretary, who shall keep a full account of all property, money, receipts, and expenditures, and a record of all its proceedings. The secretary must serve without compensation.

SEC. 7. Said board, by a majority vote of all its members, to be recorded in its minutes, with the ayes and noes, shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the

administration, government, and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second—To administer any trust declared or created for such library and reading-rooms.

Third—To define the powers and prescribe the duties of all officers; determine the number of and elect all necessary subordinate officers and assistants, and at its pleasure remove any officer or assistant.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To fix the salaries of the librarian and assistants, and other employes, and with the approval of the Mayor and Common Council, expressed by ordinance, to rent and equip such building or buildings, room or rooms, as may be necessary for said library and reading-rooms.

Sixth—Said board, on or before the third Monday of July in each year, shall make a report to the Mayor and Common Council, giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during the next preceding fiscal year, the number lost or missing, the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest; and also a financial report, showing all receipts and disbursements, with particulars thereof, and the names of all employes and the salary paid to each.

Seventh—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading-rooms.

ARTICLE XII.

HEALTH DEPARTMENT.

Chapter I.

SECTION 1. There shall be a Board of Health, which shall consist of five members, who shall serve without compensation.

SEC. 2. The members of the Board of Health shall have the following qualifications: First—They shall be duly licensed physicians under the laws of the State of California.

Second—They shall have practiced their profession for at least five years, and shall have been electors of the City of San José for two years.

SEC. 3. Regular meetings of the Board of Health shall be held at least once a month. Special meetings may be held at the call of the president of the board or three members thereof. All meetings shall be public. Three members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 4. The persons appointed members of the Board of Health shall meet within fifteen days after their appointment and elect one of their number president, whose term of office shall be one year. They shall elect one of their number Health Officer, who shall serve as secretary, and shall have the powers of a police officer in matters pertaining to his office. They shall elect such subordinate officers as may be necessary to carry out the provisions of this charter, and shall also define their duties and fix the compensation of all employes.

SEC. 5. The Board of Health shall exercise a general supervision over the health of the city, with full power to use all measures necessary to promote the cleanliness and sanitary conditions thereof, to prevent the introduction into the city of malignant or infectious diseases, and to remove or otherwise dispose of any person or animal attacked by any such disease, and to adopt in reference to such person or animal any restrictions, regulations, or measures deemed advisable. Said board shall adopt and enforce such forms and regulations as in their judgment will secure reliable, vital, and mortuary statistics and shall have the supervision of all persons engaged or appointed to carry out any of the powers conferred on said board.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The fiscal year shall begin on the first day of July.

SEC. 2. In any case of "removal for cause" of any officer or employé, this shall be the course of procedure: Charges and specifications shall be filed with the body having jurisdiction, and a copy of such charges and specifications shall be immediately served on the accused, who shall have the right to be heard in his own defense, with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. When a judgment is rendered and recorded in any such case, the judgment shall be final.

SEC. 3. The Mayor and Common Council shall not have power to relieve any person or citizen from the payment of any lawful tax, assessment, fine, bond, or security, nor to exempt him from any burden imposed on him by law, ordinance, or this charter.

SEC. 4. All deputies must be citizens of the United States, and must have resided in the City of San José at least two years next preceding his or her appointment. They,

and each of them, shall perform such duties as may be required of them by law, ordinance, or this charter, and shall only receive such compensation as may have been (previously) provided, and such compensation shall not be increased during the term for which they were appointed.

SEC. 5. Any person holding a salaried office of this city, whether by election or appointment, who shall, during his term of office, hold or retain any other office of honor, trust, or emolument under the Government of the United States, or of this State (except the office of notary public or officer of the National Guard), or who shall hold any other office connected with said city, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the city government.

SEC. 6. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed, or paid.

SEC. 7. It shall be the duty of the Mayor, the City Clerk, and the City Attorney to count the money in the city treasury at least once each month, and to see that the amount on hand tallies with the amount that should be in the fund, as shown by the books of the City Clerk and City Treasurer.

SEC. 8. All officers, boards, and commissioners shall each turn over and deliver to their respective successors designated in this charter, all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments in their possession or under their control.

SEC. 9. Any elected officer, except members of the Common Council, may be suspended by the Mayor, and removed by the Common Council, for neglect of duty or malfeasance in office. The procedure for removal shall be taken as prescribed in this charter, and the charges, proceedings, and final judgment, together with the ayes and noes, shall be entered on the minutes. In the event of removal, the judgment in the case shall be final, and the vacancy thus created shall be filled as provided in this charter.

SEC. 10. No member of the Common Council, or of any board, and no officer or employé of said city, while in office, shall be or become, directly or indirectly, interested in any contract, work, or business, or in the sale of any article the expense, price, or consideration of which is payable from the treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same.

No officer or employé of this city shall give, or promise to give, to any other person any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being, nominated, appointed, voted for, or elected to any office or employment.

No officer or employé shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or any one under their charge, or from any candidate or applicant for any position as employé or subordinate under him.

A violation of any provision of this section shall cause a forfeiture of his office, and he shall be forever disbarred and disqualified from being elected, appointed, or employed in the service of the city.

SEC. 11. Every officer who shall willfully approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city individually, and on his official bond, for the amount of the demand so illegally approved, allowed, or paid, and shall forfeit the office which he holds, and be forever disbarred and disqualified from holding any position in the service of the city.

SEC. 12. All moneys, assessments, and taxes belonging to or collected for the use of the city, coming into the hands of any officer, shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer, for twenty-four hours after receiving the same, shall delay or neglect to make such deposit (except the City Justice and Park Commissioners, who shall pay in their receipts of office monthly), he shall be deemed guilty of misconduct in office, and may be removed.

SEC. 13. When any officer shall require additional deputies, clerks, or employés, application shall be made therefor, and upon such application it shall be the duty of the Mayor and Common Council, or board having authority to make such appointments, to make investigation as to the necessity for such additional assistance; and if the same be found necessary or expedient, may authorize such appointments, and provide for the compensation of such appointees, subject to the limitations contained in this charter.

SEC. 14. Whenever it is provided in this charter that the members of any board, department, or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the secretary thereof and signed by all of said members, shall be filed with the City Clerk.

SEC. 15. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office. Copies or extracts from said books and records, duly certified, shall be given by the

officer having the same in custody, to any person demanding the same, and paying or tendering 5 cents per folio of one hundred words for such copies or extracts, and the additional sum of 25 cents for certifying to such certified copy or extract.

SEC. 16. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business every day, except legal holidays, from 8:30 o'clock in the forenoon until 5 o'clock in the afternoon.

SEC. 17. Every officer authorized by law or ordinance to allow, audit, or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating thereto.

SEC. 18. The Mayor and Common Council shall cause to be published, at the end of each year, the ordinances, classified under appropriate heads, passed by it during said year and then in force. Every officer of the city shall be entitled to one copy without charge, and every citizen to a copy at the cost of publication. At the end of every fifth year, instead of the publication then as above required, the Common Council shall cause to be compiled, classified under appropriate heads, and published, all the ordinances then in force, and the same shall be subject to distribution as above provided.

SEC. 19. It shall be the duty of the Board of Supervisors of the County of Santa Clara, when great registers are being printed, to provide for the printing of a sufficient number of such registers, in addition to the number required otherwise by law, to be printed for the general and special municipal elections to be held, or likely to be held, in the City of San José, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient number, when so required by the Mayor and Common Council of said city. The said County Clerk, when so required, for the purpose of a general or special municipal election, shall furnish to said Mayor and Common Council a supplemental list of all voters who have registered since the time of the last printed great register.

SEC. 20. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended. Every ordinance shall embrace but one subject, which shall be clearly indicated in its title. In all cases where the subject is not so indicated, the ordinance shall be void as to the matter not indicated in the title; that which is indicated shall remain in full force and effect.

SEC. 21. The Council shall not allow any extra or additional compensation, beyond what this charter expressly authorizes, to any officer for services that the Council have power to require the officer to perform by virtue of his office.

SEC. 22. All Acts of the Legislature relating to the City of San José, and all the ordinances, resolutions, and other regulations now in force, and not inconsistent herewith, shall be and remain in force after this charter takes effect, until changed or repealed by the proper authority, and all rights vested under any former Act or regulation, when this charter takes effect, shall not thereby be lost, impaired, or discharged; and all actions and proceedings commenced in any court wherein the City of San José is a party shall be continued under the law existing when said action or proceeding was commenced.

WHEREAS, The City of San José, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, did, on the 2d day of November, eighteen hundred and ninety-six, at a special election, and under and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, elect the undersigned a Board of Fifteen Freeholders, to prepare and propose a charter for said city;

Be it known, That, in pursuance of said provision of the Constitution, and within a period of ninety days after such election, said Board of Fifteen Freeholders has prepared, and does propose, the foregoing.

Articles, signed in duplicate, as and for the Charter for the said City of San José.

In witness whereof, we have hereunto set our hands and seals, at the City of San José, State of California, this second day of January, eighteen hundred and ninety-seven.

Done in duplicate.

WM. B. HARDY, Chairman.
WM. G. ALEXANDER,
CHARLES H. ALLEN,
JOHN E. AUZERAS,
T. ELLARD BEANS,
A. B. HUNTER,
A. S. KITTREDGE,
VALENTINE KOCH,
MAURICE O'BRIEN,
D. J. PORTER,
S. E. SMITH,
FRANK STOCK,
D. C. VESTAL,
C. M. WOOSTER,
H. J. B. WRIGHT.

Attest: THOS. BODLEY, Secretary.

STATE OF CALIFORNIA,
COUNTY OF SANTA CLARA, CITY OF SAN JOSÉ. } ss.

This is to certify that we, V. Koch, Mayor of the City of San José, and J. W. Cook, City Clerk of said City of San José, have compared the foregoing proposed and ratified charter with one of the duplicates mentioned therein, and find that the same is an exact copy thereof; and we further certify that the facts set forth in the preamble preceding said charter herein are true.

Dated San José, Cal., February 24, 1897.

V. KOCH,
Mayor of the City of San José.
J. W. COOK,
City Clerk of the City of San José.

[SEAL]

NOW, THEREFORE, BE IT

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said charter of the City of San José, as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of the said City of San José aforesaid.

The resolution was read, the roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Shine, Simpson, Stratton, Trout, Voorheis, and Withington—26.

NOES—None.

At seven o'clock and forty-five minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 417—An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

On motion of Senator Gillette, Senator Luchsinger was appointed a special committee of one to amend as follows:

Amend by striking out Section 13, and renumbering Sections 14 and 15.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 417, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment lost.

The roll was called, and Senate Bill No. 417 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Franck, Gleaves, Hall, Jones, Langford, Linder, Pedlar, Frisk, Seawell, Shippee, Simpson, Stratton, Voorheis, and Withington—23.

NOES—Senators Gillette, Holloway, Luchsinger, Shine, and Trout—5.

Title read and approved.

Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

The bill having been read a third time on a previous day, and the

Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

RECALL OF BILL.

Senator Langford moved that Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads—which was this day transmitted to the Assembly, be recalled from the Assembly for further consideration of Assembly amendment.

Motion carried, and the Secretary was directed to prepare and transmit to the Assembly a message asking return of Senate Bill No. 373, for the purpose above set forth.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 26, 1897.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 721—An Act making an appropriation for the contingent expenses of the Senate.

Also: Senate Bill No. 44—An Act to amend Section 1189 of the Civil Code, relating to the acknowledgment of instruments.

Also: Senate Bill No. 145—An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders.

JAMES H. BUDD, Governor.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

Title read and approved.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Bill passed on file, but to retain its place.

Senate Bill No. 446—An Act to amend an Act entitled "An Act to

establish a Civil Code," approved March 21, 1872, by repealing Section 60 of said Code.

Senator Withington asked unanimous consent to withdraw Senate Bill No. 446, and substitute therefor on file Senate Bill No. 154—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor.

Consent granted.

Senate Bill No. 446 withdrawn and ordered stricken from the file, and Senate Bill No. 154 substituted therefor.

Senate Bill No. 154—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 154, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 154 refused passage by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Dickinson, Doty, Franck, Jones, Langford, Morehouse, Pedlar, Seawell, Shippee, Smith, and Stratton—15.

NOES—Senators Bert, Denison, Dwyer, Feeney, Flint, Gillette, Gleaves, Henderson, Holloway, Linder, Luchsinger, Mahoney, Prisk, Shine, Simpson, Trout, Voorheis, Withington, and Wolfe—19.

NOTICE OF RECONSIDERATION.

Senator Withington gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Bill No. 154 was this day refused passage.

ADJOURNMENT.

At eight o'clock and thirty-five minutes P. M., on motion of Senator Bulla, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Saturday, February 27, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 25, 1897, was approved.

LEAVE OF ABSENCE.

Senator Langford was granted a leave of absence for the day, as requested by Senator Jones.

Senator Beard was granted a leave of absence for the day, as requested by Senator Bulla.

Senator Pedlar was granted a leave of absence for the day, as requested by Senator Dickinson.

Senator Prisk asked for and was granted a leave of absence for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Senate Bill No. 731—An Act making an appropriation to pay the claim of E. L. Marshall, for advertising the constitutional amendments in the Alameda Daily Morning Telegram—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Assembly Bill No. 15—An Act to appropriate \$1,535 25 to pay the claim of W. W. Foote and Garrett W. McEnerney for legal services rendered and expenses incurred by them in that certain action commenced in and decided by the Supreme Court of the State of California, and which was therein entitled "The People of the State of California, on the relation of John C. Lynch, petitioner, vs. James H. Budd, respondent," and numbered S. F. No. 600.

Also: Assembly Bill No. 646—An Act making an appropriation to pay the claim of James V. Hicks against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Senate Bill No. 731 and Assembly Bills Nos. 15 and 646 re-referred to the Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 538—An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes—and presented the same to the Governor on this day at ten o'clock and five minutes A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed: Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

Also: Senate Bill No. 193 (re-engrossed)—An Act to amend Section 1618 of the Code of Civil Procedure, relating to estates of deceased persons.

Also: Senate Bill No. 437—An Act to amend Section 752 of an Act entitled "An Act

to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto approved March 19, 1889, March 5, 1895, and March 26, 1895.

Also: Senate Bill No. 39 (reëngrossed)—An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Trans-Mississippi and International Exposition, to be held in Omaha in 1898, and to provide for a commission and its expenses, a secretary of such commission, and the compensation of the secretary thereof.

Also: Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Also: Substitute for Senate Bill No. 303—An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

JONES, Chairman.

Senate Bills Nos. 507, 193, 437, 39, 339, and Substitute for Senate Bill No. 303, ordered on file for third reading.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Senate Bill No. 729—An Act to amend Section 2294 of Chapter III, Title V, of the Political Code, relating to the State Library—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TROUT, Chairman.

Senate Bill No. 729 ordered on file for second reading.

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the following communication from Governor James H. Budd:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 25, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: The published records do not show any concurrence by the Assembly in Senate amendments to Assembly Bill No. 419 and Assembly Bill No. 76. Both bills have been transmitted to me for my approval. I call your attention to this fact, that such bills may be withdrawn for further action by the Assembly. The withdrawal of a bill sent to the Governor for his approval should be had on the joint action of both houses.

JAMES H. BUDD, Governor.

Beg leave to report that we have had the same under consideration, and recommend the adoption of a concurrent resolution requesting the return of Assembly Bills Nos. 419 and 76.

WOLFE, Chairman.

CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe offered the following Senate concurrent resolution, and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 9.

Resolved by the Senate, the Assembly concurring. That Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure—and Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape, and what constitutes the same—be recalled from the Governor and returned to the Assembly for further action, it appearing from a communication received from Governor James H. Budd that the Assembly has failed to act on the amendments to said bills adopted by the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Smith, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 27, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following report and resolution:

MR. PRESIDENT: Your Committee on Military Affairs, who were authorized to visit San Francisco on February 22d for the purpose of inspecting the National Guard and Naval Reserve located in said city, respectfully report that they have performed their duty.

Senators Androus, Dickinson, Feeney, and Pedlar made the inspection of both organizations, particularly with reference to their equipment, and are unanimously of the opinion that much is needed to place these organizations in a position to insure efficient service.

With complete equipment, such as is contemplated in pending legislation, the military of the State can be made the equal of any in the Union.

The expense of the inspection is as follows:

| | |
|--|---------|
| Transportation, four members | \$20 00 |
| Hotel bills, four members, at \$3 50 | 14 00 |
| Total | \$34 00 |

We herewith also submit the following:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Chairman of the Committee on Military Affairs, Senator A. J. Pedlar, for the sum of \$34, in payment of the account above rendered, the same to be paid from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

PEDLAR, Chairman.

I have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Aram, Bert, Boyce, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof—to determine as to the constitutionality of the same, have had the same under consideration, and respectfully report the same back, and recommend that, while there is some doubt in the minds of the members of said committee as to the constitutionality of said bill, yet the committee is not prepared to say that it is unconstitutional.

Also: Assembly Bill No. 375—An Act to confer further powers upon the Boards of Health of the municipalities and counties in this State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

ON JUDICIARY—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 28, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 374—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

ON JUDICIARY—MINORITY REPORT.

The undersigned minority dissent from the above report, and recommend that said bill do not pass.

ARAM.
WOLFE.
DICKINSON.

Assembly Bill No. 139 ordered on file for third reading.

Assembly Bills Nos. 375 and 374 ordered on file for second reading.

POSTPONEMENT OF MOTIONS TO RECONSIDER.

On motion of Senator Withington, the consideration of the motions to reconsider the votes whereby Senate Bill No. 407—An Act to amend Sections 1517, 1520, and 1521 of the Political Code, relating to the public schools—and Senate Bill No. 154—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor—were on a previous day refused passage: and also Senate Bill No. 512—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county Boards of Election Commissioners—was on a previous day passed, were postponed until Tuesday, March 2, 1897.

RECONSIDERATION.

In the absence of Senator Langford, Senator Seawell moved that the vote whereby the Senate on a previous day refused to concur in the following Assembly amendment to Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads—be reconsidered:

ASSEMBLY AMENDMENT.

Amend by inserting the words "by unanimous concurrence" after the word "thereof," in line 5 of Section 1 of the printed bill.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Aram, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

MOTION.

On motion of Senator Seawell, the reconsideration of the adoption of the Assembly amendment to Senate Bill No. 373 was made a special order for Tuesday morning, immediately after the reconsideration of Senate Bills Nos. 407, 512, and 154.

SPECIAL ORDERS.

Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

On motion of Senator Simpson, action on the passage of Senate Bill No. 507 was postponed and made a special order for Monday, March 1, 1897, immediately after approval of Journal.

APPROPRIATIONS FOR STATE GOVERNMENT—SECOND READING OF BILLS.

Senate Bill No. 398—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 341—An Act to provide for the construction of a reservoir for settling and storing water at the Preston School of Industry, and making an appropriation therefor.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend the bill by substituting therefor:

SUBSTITUTE FOR SENATE BILLS Nos. 341, 342, 343, AND 564.

An Act to provide for certain improvements at the Preston School of Industry, Ione, and to make an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty-six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to construct for the Preston School of Industry, at Ione, a dining-room, assembly-room, new kitchen, two double cottages, and to furnish the same.

SEC. 2. The sum herein appropriated shall be expended under the directions of the trustees of the Preston School of Industry.

SEC. 3. The Controller is authorized to draw his warrant in favor of the said trustees for the amount herein appropriated, and the Treasurer is directed to pay the same.

SEC. 4. The State Board of Examiners are hereby instructed to require the trustees of the Preston School of Industry to cause to be performed by the inmates thereof as much of the work hereby authorized as can be properly done by them. And for this purpose the trustees of said school are exempted from existing laws directing otherwise than as herein provided, subject, however, to the approval of the State Board of Examiners.

SEC. 5. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend Section 1, line 1, by striking out the figures "5,000," and inserting instead the words "two thousand nine hundred and ninety-five dollars."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend Section 1 by striking out of line 1, printed bill, the words and figures "five thousand five hundred (\$5,500)," and inserting instead the words "three thousand."

Amendment adopted.

Also: Amend by striking out Sections 2, 3, and 4.

Also: Renumber Section 5, Section 2.

Also: Renumber Section 6, Section 3.

Amendments adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 357—An Act to provide additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to equip the same for occupancy and use, to provide a system of electric lighting therein, and making an appropriation therefor.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend bill by substituting the following therefor :

SUBSTITUTE FOR SENATE BILLS Nos. 357, 358, AND 361.

An Act to provide for additional buildings for the California Home for the Care and Training of Feeble-Minded Children; to equip the same for occupancy and use; to provide a system of electric lighting therein, and to make an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of forty-two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide for the erection of additional buildings and cottages at the California Home for the Care and Training of Feeble-Minded Children, and to equip the same for occupancy, and to provide a system of electric lighting therein.

SEC. 2. The sum herein appropriated shall be expended under the direction of the trustees for the California Home for the Care and Training of Feeble-Minded Children.

SEC. 3. The Controller of State is hereby directed to draw his warrants in favor of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, upon their presentation of claims in the usual manner incurred on account of work herein provided for, and the Treasurer of State is hereby directed to pay the same.

SEC. 4. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 101—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements, by the trustees of the Napa State Asylum for the Insane, and appropriating money therefor.

During the second reading of the bill, the following amendment was submitted by Senator La Rue:

Amend by striking out of Section 2, line 1, the words "and fifty-five."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 614—An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend Section 1 by striking out of line 1 the words "eighty-five," and inserting the word "sixty."

Amendment adopted.

Also: Amend Section 1 by adding after the word "inebriates" the words "for the erection of a ward building."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 692—An Act making an appropriation for furnishing

a ward building for the Southern California State Asylum for the Insane and Inebriates.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend Section 1 by striking out of line 1 the word "eight," and inserting the word "seven."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, and State of California, and to make an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out of Section 1, line 1, the words "one hundred and seven thousand six hundred," and inserting the following: "thirty-five thousand."

Amendment adopted.

Also: Amend by striking out of Section 1 lines 11, 16, 17, 18, 19, 20, and 21.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold-storage system for said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building for the use and occupancy of the officers, employes, and patients of the Mendocino Asylum; to purchase furniture and furnish same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Bill read second time, considered engrossed, and ordered on file for third reading.

At eleven o'clock and seven minutes A. M., Hon. J. H. Dickinson, State Senator from the Eleventh Senatorial District, was called to the chair.

Senate Bill No. 291—An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 521—An Act to provide for additional improvements at the State Insane Asylum located at Agnews, in the County of Santa Clara, State of California, and to make an appropriation therefor.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend Section 1 by striking out all of the section after the word "insane," in line 6 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

At eleven o'clock and fifteen minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out of the title the following: "auxiliary to the Grand Army of the Republic of the Department of California and Nevada," and inserting in lieu thereof the words "Home Association."

Amendment adopted.

Also: Amend by striking out the preamble from the title to the enacting clause.

Amendment adopted.

Also: Amend line 4, Section 2, printed bill, by striking out the words "bona fide."

Amendment adopted.

Also: Amend Section 3 of printed bill by striking out all of line 3 after the word "directors" and down to and including line 19, and inserting in lieu thereof the following: "to be appointed by the Governor, six of whom shall be appointed for two years, and five of whom shall be appointed for one year; *provided*, that the terms of the six first appointed for two years shall continue until July 1, 1899, and the five appointed for one year shall continue until July 1, 1898, and thereafter the terms of office shall be for two years of all directors."

Amendment adopted.

Also: Amend Section 3 of printed bill by striking out all of the sentence commencing with the word "All," on line 23, and ending with the word "term," on line 25.

Amendment adopted.

Also: Amend line 27, Section 3, of printed bill, by striking out the word "her."

Amendment adopted.

Also: Amend line 1, Section 4, printed bill, by striking out the words "the above named."

Amendment adopted.

Also: Amend line 2, Section 4, printed bill, by striking out the words "and," "a," and "sooner," and inserting in lieu of the word "and" the word "or."

Amendment adopted.

Also: Amend Section 4, printed bill, by striking out all after the word "successors," in line 3, and down to and including the word "years," in line 19.

Amendment adopted.

Also: Amend line 2, Section 5, printed bill, by striking out the word "following," and add, at the end of the line, "as provided by law."

Amendment adopted.

Also: Amend Section 5, printed bill, by striking out all of the section after line 2.

Amendment adopted.

Also: Amend Section 6, printed bill, by striking out all of line 18 after the word "each," and all of line 19 to and including the word "nurse," and inserting in lieu thereof the word "inmate."

Amendment adopted.

Also: Amend Section 6, printed bill, by striking out the following: The word "their" in line 28, the word "their" in line 30, the word "its" in line 31, the first word "and" in line 33, and the second comma in line 33.

Amendment adopted.

Also: Amend Section 6 by striking out all of subdivisions 5 and 7, and changing the number of subdivision 6 to number 5.

Amendment adopted.

Also: Amend line 41, Section 6, printed bill, by striking out the word "matron," and inserting in lieu thereof "president or secretary."

Amendment adopted.

Also: Amend Section 6, printed bill, by striking out that part of line 44 after the word "made," and all of lines 45 and 46.

Amendment adopted.

Also: Amend by striking out all of Section 7.

Amendment adopted.

Also: Amend Section 8, printed bill, by striking out all of same after the word "Examiners," in line 2.

Amendment adopted.

Also: Amend Section 9, line 1, printed bill, by striking out the words "if such claim be audited," and inserting between the words "and" and "allowed" the word "when."

Amendment adopted.

Also: Amend by adding Section 9, as amended, to the first two lines of Section 8. and number the sections thus joined as Section 7, and all subsequent sections accordingly.

Amendment adopted.

Also: Amend line 1, Section 10, printed bill, by striking out the words "person" and "specific," and inserting in lieu of the word "person" the word "inmate."

Amendment adopted.

Also: Amend line 2, Section 10, printed bill, by striking out the words "said institution," and inserting in lieu thereof "independent of state aid."

Amendment adopted.

Also: Amend line 6, Section 10, printed bill, by striking out the word "of," and inserting in lieu thereof the word "for."

Amendment adopted.

Also: Amend line 1, Section 11, printed bill, by inserting between the words "a" and "report" the word "verified."

Amendment adopted.

Also: Amend line 6, Section 11, printed bill, by striking out the word "Governor," and inserting in lieu thereof the word "him."

Amendment adopted.

Also: Amend Section 13, printed bill, by striking out lines 7, 8, 9, and 10.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 292—An Act to provide for the deficiency in the appropriation for the support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses, residing at Evergreen, in the County of Santa Clara, at the Home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 38—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out of Section 1, line 1, printed bill, the word "twenty," and inserting instead the word "twelve."

Amendment adopted.

Also: Amend by striking out of Section 1, lines 8 and 9, of printed bill, the words "for improvement of streets, five thousand dollars; for building of stone wall, three thousand dollars."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 700—An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend Section 1, line 1, by striking out the words "fifteen thousand." and inserting instead "seven thousand five hundred."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 620—An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 399—An Act making an appropriation for the purpose of constructing a reservoir, and laying and maintaining a line of pipe from said reservoir to the Marshall monument, and for other purposes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 65—An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$75,000 therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 321—An Act to establish a State Normal School in San Luis Obispo County, California, and making an appropriation of \$100,000 therefor.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend bill by substituting the following therefor:

SUBSTITUTE FOR SENATE BILL No. 321.

An Act to establish the Polytechnic Institute of California in San Luis Obispo County, California, and making an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be established in the County of San Luis Obispo, State of California, a school to be known as the Polytechnic Institute of California.

SEC. 2. The Governor shall, within sixty days after the passage of this Act, appoint five persons who, with the Governor and the State Superintendent of Public Instruction, shall constitute the board of trustees of said school.

SEC. 3. The said board of trustees, as provided for in section two of this Act, are hereby appointed and created trustees of said school, with full power and authority to select a site for the permanent location of said school, in the said County of San Luis Obispo. Said trustees shall, within sixty days after their appointment, select a suitable location for said school buildings; or should there be offered a proper site, with buildings already constructed thereon suitable for the uses of the school, it shall be in the power of the trustees to accept such site.

SEC. 4. The said Polytechnic Institute of California shall be governed and regulated by the same laws now governing the state normal schools of this State, in so far as the same are not inconsistent with the aims and purposes of said Polytechnic Institute.

SEC. 5. The purposes of the school are to afford such instruction as shall best enable men and women to earn their own living by applied knowledge and the skillful use of their hands in the various branches of agriculture, mechanics, manufacture, architecture, also painting, decorating, music, bookkeeping, stenography, typewriting, and kindred industries. There shall also be carefully prepared courses of study in the sciences.

languages, and literature; also, in household economy, sanitary laws, and the laws of hygiene. The trustees and their successors shall have the power to adopt such means as shall seem to them best calculated to accomplish the foregoing aims.

SEC. 6. The sum of seventy-five thousand dollars is hereby appropriated out of any moneys of the State not otherwise appropriated, for purchasing or constructing necessary buildings, furnishing the same, and maintaining said school.

SEC. 7. The Controller of State shall draw warrants from time to time, as the work shall progress, in favor of the said Board of Trustees of the Polytechnic Institute of California, upon their requisition for the same.

SEC. 8. The moneys appropriated therefor shall be expended under the direction of the said Board of Trustees of the Polytechnic Institute of California.

SEC. 9. This Act shall take effect and be in force from the time of its passage.

Substitute adopted.

Bill read second time, and ordered to reprint and reëngrossment.

Senate Bill No. 56—An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Strike out the word "eighteen," in line 3, printed bill, Section 1, and insert in lieu thereof the word "twenty-five."

Amendment adopted.

Also: Strike out the word "three," in line 5, Section 1, printed bill, and insert in lieu thereof the word "six."

Amendment adopted.

Also: Strike out the word "three," in line 3, Section 2, printed bill, and insert in lieu thereof the word "six."

Amendment adopted.

Also: In line 4, Section 2, insert "lands" instead of "land."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend bill by substituting the following:

SUBSTITUTE FOR SENATE BILL No. 419.

An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the State Board of Capitol Commissioners in the purchase and erection of a complete system of ventilating, automatic temperature regulating, and sanitary apparatus, to provide proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the money in this Act appropriated, in favor of the State Board of Capitol Commissioners, and the State Treasurer to pay the said warrants.

SEC. 3. This Act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-seven.

By the committee:

Amend Section 1, line 1, of substitute, by striking out the word "fifty," and inserting instead the word "seventy-five."

Senator Voorheis moved the adoption of the committee amendment to substitute.

AYES AND NOES.

On the adoption of the committee amendment to substitute, the ayes and noes were demanded by Senators Dickinson, Voorheis, and Denison.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Androus, Aram, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Linder, Mahoney, Morehouse, Shine, Smith, Toner, Voorheis, and Wolfe—19.

NOES—Senators Bert, Braunhart, Bulla, Flint, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Seawell, Shippee, Simpson, Trout, and Withington—15.

Substitute, as amended, adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 288—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture, etc.

Bill ordered on twelve-day file.

Senate Bill No. 640—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by adding a new section, to be numbered Section 4, to read as follows:

SEC. 4. There shall be open public competition for the work and material described in section one of this Act, and the contract therefor shall be awarded to the lowest responsible bidder or bidders, subject to the approval of the State Board of Capitol Commissioners.

Amendment adopted.

Also: Amend by renumbering Section 4, Section 5.

Amendment adopted.

Also: Renumber Section 5, Section 6.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 706—An Act authorizing the Clerk of the Supreme Court to furnish his office, and make an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by adding a new section, to be numbered Section 4, to read as follows:

SEC. 4. There shall be open public competition for the work and material described in section one of this Act, and the contract therefor shall be awarded to the lowest responsible bidder or bidders, subject to the approval of the State Board of Capitol Commissioners.

Amendment adopted.

Also: Amend by renumbering Section 4, Section 5.

Amendment adopted.

Also: Amend by renumbering Section 5, Section 6.

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 304—An Act to provide for the appointment of an auditing board to the Commissioner of Public Works, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDERS.

Senator Voorheis moved that Senate Bills Nos. 398, 89, 87, 359, 101, 614, 692, 4, 118, 119, 389, 291, 521, 684, 292, 38, 64, 288, 48, 700, 549, 620, 399, 321, 56, 419, 640, and Substitute for Senate Bills Nos. 341, 342, 343, and 564, and Substitute for Senate Bills Nos. 357, 358, and 361, and Assembly Bills Nos. 65, 288, 706, and 304, be made special orders for consideration on Monday morning, March 1, 1897.

So ordered.

PETITION—(OUT OF ORDER).

Senator Voorheis presented the following petition, which was ordered printed in the Journal:

We, the undersigned citizens of Mono, Alpine, and Inyo Counties, California, earnestly request the members of the Legislature to vote for Assembly Bill No. 612, to construct a State wagon road from the Mono Lake Valley, to connect with the Tioga Road, leading to Yosemite Valley.

As a law it will be of vital importance to us: the road will be of great public convenience, and will afford means of communication with a section of country that has hitherto been isolated. We require this road, and pray that you will vote for the bill.

(Signed:) H. Choice, Wm. Lynch, and twenty-one others.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Luchsinger, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 23d day of February, refused third reading of the following: Senate Bill No. 106—An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches and prize or ring fights.

Also: Senate Bill No. 104—An Act prohibiting ring-fights, prize-fights, glove-contests, or any other premeditated fight, contest, or contention (by whatsoever name or names it or they may be called), and prescribing penalties for the violation thereof.

Also: On the 25th day of February passed Assembly Bill No. 445—An Act relating to the authorization and employment of a draftsman by Recorders in counties and cities and counties of the first class.

Also: Assembly Bill No. 229—An Act making an appropriation to pay the claim of Sarah H. Wing, for the killing of her husband, O. H. Wing.

Also: Assembly Bill No. 132—An Act to authorize the erection of a sewage-pumping plant at the Folsom State Prison, and making an appropriation therefor.

Also: Assembly Bill No. 382—An Act to repeal Sections 628a, 630, 632b, and 633, and to amend Sections 628, 635, and 636 of the Penal Code of the State of California, relating to fish.

Also: Assembly Bill No. 180—An Act to amend Sections 338, 339, 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 344 and 345, relating to pawnbrokers.

Also: Assembly Bill No. 510—An Act to improve Salt River, Humboldt County, from the junction thereof with Eel River to Port Kenyon, by removing therefrom bars and other obstructions to navigation, and to appropriate the sum of \$10,000 for that purpose.

Also: Senate Bill No. 538—An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes.

Also: Assembly Bill No. 370—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Also: On the 24th day of February passed Assembly Bill No. 63—An Act to amend an Act approved March 26, 1893, entitled "An Act to create and administer a public school-teachers' annuity and retirement fund in the several counties and cities and counties in the State."

Also: On the 26th day of February passed Assembly Bill No. 62—An Act making an appropriation to pay the claim of Thomas Hatch.

Also: Assembly Bill No. 247—An Act making an appropriation to pay the claim of the Daily Report Publishing Company, for advertising the constitutional amendments.

Also: Assembly Bill No. 233—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Also: Assembly Bill No. 860—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Also: Adopted Senate Concurrent Resolution No. 8, relative to recalling Senate Bill No. 1 and Assembly Bill No. 23 from the Governor.

Also: On this day return to you, as per your request, Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public works.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 445 read first time, and referred to the Committee on City, City and County, and Town Governments.

Assembly Bills Nos. 229, 62, 247, and 233 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 132 read first time, and referred to the Committee on Prisons and Prison Buildings.

Assembly Bill No. 382 read first time, and referred to the Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game.

Assembly Bills Nos. 180 and 63 read first time, and referred to the Committee on Education and Public Morals.

Assembly Bills Nos. 510 and 860 read first time, and referred to the Committee on Finance.

Assembly Bill No. 538 read first time, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 370 read first time, and referred to the Committee on Finance.

Assembly Bill No. 17 ordered on file for further consideration.

Senate Concurrent Resolution No. 8 ordered to enrollment.

ADJOURNMENT.

At twelve o'clock and twenty-eight minutes p. m., on motion of Senator Smith, the Senate adjourned until Monday, March 1, 1897, at ten o'clock a. m.

IN SENATE.

SENATE CHAMBER.

Monday, March 1, 1897. }

The Senate met pursuant to adjournment, at ten o'clock a. m.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, February 26, 1897, was approved.

QUESTION OF PRIVILEGE.

Senator Morehouse arose to a question of privilege in regard to an article published in the San Francisco Examiner of Saturday, February 27, 1897, charging members of the Senate and Assembly with receiving bribes, and at the close of his remarks offered and moved the adoption of the following resolution:

WHEREAS, An article appeared in the San Francisco Daily Examiner, a newspaper printed and published in the City and County of San Francisco, State of California, and circulated over the State of California, and over various States of the United States, and elsewhere, which said article so printed and published and circulated is in the words following, to wit:

"Bribery in Aid of Thievery—Thousands of Dollars Corruptly Paid Members of the Legislature to Influence their Vote—Sensational Revelations at Sacramento as to a Bill Bearing on the Hale & Norcross Litigation—To Oust Judge Hebbard from the Case—Provides for a Radical Change in the Law as to Disqualification—Is now in the Hands of the Governor.

"SACRAMENTO, February 26.

"If, as Tennyson tells us, 'The jingling of the guinea helps the hurt that honor feels,' there is no immediate danger that any one here will cry out in great pain; for there has been a deal of jingling. Some good gentleman has been toiling diligently at the Capital as a dispenser of bribes, and various lawmakers of the State have been soiling their robes of office by contact with him. It is a tale to bring the blush to the cheek of every Californian.

"Plainly, coin has been used to crowd through the Legislature a bill capable of enabling Alvinza Hayward and his Hale & Norcross following to oust Judge Hebbard from the great case in which they have been adjudged guilty of gigantic frauds.

"At present the Hale & Norcross case is before the Supreme Court. Should that tribunal find some error in the rulings of the court below, the cause would be sent back for rehearing. Herein arises the eagerness of the defendants to be placed in a position where they shall not have, in such a contingency, to face the judge who knows them to the core.

"How to get the case out of Judge Hebbard's court is the problem. And as the statutes now read, here is the law in that regard:

"Section 170 of the Code of Civil Procedure: No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding:

"1. To which he is a party, or in which he is interested;

"2. When he is related to either party by consanguinity or affinity within the third degree, computed according to the rules of law;

"3. When he has been attorney or counsel for either party in the action or proceeding.

"But the provisions of this section shall not apply to the arrangement of the calendar or the regulation of the order of business, nor to the power of transferring the action or proceeding to some other court."

"It would not be easy to get rid of Judge Hebbard under that section of the Code.

"But laws are mutable things, after all, and sometimes Code sections that stand obstinately in the paths of determined litigants are pruned into the desired shape. Occasionally this just happens; frequently some earnest soul arises and makes it happen.

"Precisely what was the genesis of Assembly Bill No. 273 does not appear. It may be that the measure was drafted without thought of any particular case; and it may be that it was designed to advantage the general public, so far as the general public has the misfortune to be mixed in lawsuits. Mr. Caminetti has to-day promised to submit a signed statement dealing with this matter. Until Mr. Caminetti has submitted his statement, this phase of the case need not be pursued.

"But the bill referred to was introduced by Mr. Caminetti, and it runs as follows:

"An Act to amend Section 170 of the Code of Civil Procedure.

"The people of the State of California, represented in Senate and Assembly, do enact as follows:

"SECTION 1. Section 170 of the Code of Civil Procedure is hereby amended so as to read as follows:

"Section 170. No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding:

"1. To which he is a party or in which he is interested;

"2 When he is related to either party, or to an attorney, counsel or agent of either party, by consanguinity or affinity, within the third degree, computed according to the rules of law.

"3. When he has been attorney or counsel for either party in the action or proceeding:

"4. When it appears from the affidavit of either party that he has reason to believe, and does believe, that he cannot have a fair and impartial trial before the justice or judge about to try the case, by reason of the prejudice or bias of such justice or judge, in either of which cases said justice or judge shall forthwith secure the services of some other justice or judge of the same or an adjoining county, to preside at the trial of said action, *provided*, that in actions in the Superior Court of counties, or cities and counties, having more than one department, said actions shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department.

"But the provisions of this section shall not apply to the arrangement of the calendar, or to regulation of the order of business, nor the power of transferring the action or proceeding to some other court.

"Sec. 2. This Act shall take effect immediately."

"The fourth subdivision of the first section of the Act is new to the law. Nothing like it is found in the Codes of any of the American States. Under this new subdivision it would be possible for the defendants in the Hale & Norcross case to swear the cause out of the department of the Superior Court over which Judge Hubbard presides.

"Without a shadow of doubt members of the Assembly and members of the Senate were bribed to support the bill. The price paid for each vote bought in the lower house was \$150. In the Senate a vote brought all the way from \$350 to \$500. Several thousand dollars changed hands. The bill passed both houses. It is in the hands of the Governor.

"In the Assembly Mr. Caminetti stood for the change; in the Senate Mr. Voorheis, of Amador, urged it. They were assisted in pointing out the merits of the bill by Mr. George Baker, the San Francisco attorney. Mr. Baker is the confidential friend and advisor of Mr. Alvinza Hayward's partner, Mr. Lane.

"The vote for the bill in the Assembly was unanimous. In the Senate there was some opposition. The history of the bill in the Senate is interesting. Last Tuesday afternoon the measure was called up for third reading and final passage. Senator Morehouse moved that the bill be refused a third reading. The roll was called, and the motion was lost by the following vote:

"AYES—Senators Aram, Brauhart, Chapman, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Morehouse, Smith, Trout, and Withington—15.

"NOES—Senators Androus, Bert, Bulla, Denison, Dickinson, Linder, Mahoney, Seawell, Shine, Shippee, Stratton, Toner, Voorheis, and Wolfe—18.

"On the following day, when the bill was called up for final passage, two unimportant amendments were offered and immediately voted down. The roll was called, and the bill was passed by the following vote:

"AYES—Senators Androus, Bert, Bulla, Chapman, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Langford, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Stratton, Toner, Voorheis, and Wolfe—22.

"NOES—Senators Brauhart, Denison, Dickinson, Flint, Gillette, Holloway, Jones, La Rue, Luchsinger, Simpson, Smith, Trout, and Withington—13.

"Prisk, Pedlar, Langford, and Dwyer, who were absent when the roll was called on Tuesday, voted for the bill. Chapman, Franck, and Morehouse, who had voted against allowing the bill a third reading, cast their votes for the passage of the measure."

AND WHEREAS, The words in said article so printed, published, and circulated directly charge corruption of the gravest character, for the purpose of influencing the action of this Senate; and

WHEREAS, It is specifically charged that large sums of money have been received by the members of this body, and which said members are not specifically named, but leaving the impression, and intending to leave the impression, and charging, and intending to charge, that each, every, and all the members of this Senate who voted for Assembly Bill No. 273, amending Section 170 of the Code of Civil Procedure of this state, had been paid and took and received money amounting in sums from \$350 to \$500 each, for voting for said Assembly Bill No. 273; and

WHEREAS, The said charges are very grave and of a serious character, and reflecting upon the entire Senate, and were made and published as aforesaid, and are of such a character as to render it proper that this Senate should institute an inquiry respecting the said charges, and the evidence, if any, upon which they are based, and the person or persons who circulated, gave, or reported the statements, if any, upon which the article was based, and the author, editor, printer, writer, or person who wrote or caused to be written, or published or caused to be published, the said charges, and all the facts connected therewith, or relating thereto, to the end that the guilt may be exposed and punished, whether it be found to be of the quality of legislative bribery and corruption, or willful and malicious public slander; be it therefore

Resolved, That a committee of three be forthwith appointed, and that said committee be and it is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters contained hereinabove enumerated, and to that end to employ all necessary clerical assistance, and that said committee be and it hereby is authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said committee are, and each of them is, hereby authorized to administer oaths;

and that all the provisions of Article VIII, Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and that the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders, or other process that may be issued by the Chairman of said committee, when directed to do so by the said Chairman.

AYES AND NOES.

On the adoption of the resolution, the ayes and noes were demanded by Senators Gleaves, Morehouse, and Voorheis.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

LEAVE OF ABSENCE.

Senator Shine was granted a leave of absence for the day, as requested by Senator Toner.

Senator Feeney was granted a leave of absence for the day, as requested by Senator Toner.

Senator Doty was granted a leave of absence for the day, in compliance with his telegram addressed to the President of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced the following as the special committee to investigate the charges preferred by the San Francisco Examiner: Senators Dickinson, Aram, and Seawell.

SPECIAL ORDERS.

Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

Senate Bill No. 507 having been previously set for consideration at this hour, the same was taken up.

The bill having been read third time on a previous day, on motion of Senator Boyce Senator Dickinson was appointed a special committee of one to amend bill as follows:

Amend by inserting in Section 3, on line 10 thereof, after the word State, the following: "not now otherwise occupied."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 507, with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

AYES AND NOES.

On the adoption of the report of the special committee of one and amendment, the ayes and noes were demanded by Senators Hall, Bert, and Voorheis.

The roll was called, and the report of special committee of one and amendment lost by the following vote:

AYES—Senators Androus, Boyce, Bulla, Denison, Dickinson, Gleaves, Jones, Simpson, Trout, and Voorheis—10.

NOES—Senators Aram, Beard, Bert, Brauhart, Chapman, Dwyer, Franck, Gillette, Hall, Henderson, Holloway, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Smith, Stratton, Toner, Withington, and Wolfe—22.

The question recurring on the passage of the bill.

The roll was called, and Senate Bill No. 507 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Brauhart, Bulla, Chapman, Dwyer, Franck, Gillette, Hall, Henderson, Holloway, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—25.

NOES—Senators Androus, Boyce, Denison, Gleaves, Jones, and Voorheis—6.

Title read and approved.

APPROPRIATIONS FOR STATE GOVERNMENT—THIRD READING OF BILLS.

Senate Bill No. 398—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 398, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 398 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Morehouse, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Substitute for Senate Bills Nos. 341, 342, 343, and 564—An Act to provide for certain improvements at the Preston School of Industry, at Lone, and to make an appropriation therefor.

Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.

Substitute for Senate Bills Nos. 357, 358, and 361—An Act to provide for additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to equip the same for occupancy and use, to provide a system of electric lighting therein, and to make an appropriation therefor.

Senate Bill No. 101—An Act to provide for the purchase of land, the purchase of

machinery, the construction of a dam, and other improvements, by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor.

Senate Bill No. 614—An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

Senate Bill No. 692—An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates.

Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, and State of California, and to make an appropriation therefor.

Senate Bill No. 521—An Act to provide for additional improvements at the State Insane Asylum located at Agnews, in the County of Santa Clara, State of California, and to make an appropriation therefor.

JONES, Chairman.

THIRD READING OF BILLS—(RESUMED).

Substitute for Senate Bills Nos. 341, 342, 343, and 564—An Act to provide for certain improvements at the Preston School of Industry, at Ione, and to make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bills Nos. 341, 342, 343, and 564, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Substitute for Senate Bills Nos. 341, 342, 343, and 564 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FORESTRY, YOSEMITE VALLEY, MARIPOSA BIG TREES, AND FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game, to whom was referred Assembly Bill No. 382—An Act to repeal Sections 629a, 630, 632a, 632b, 633, and to amend Sections 628, 635, and 636, of the Penal Code of the State of California, relating to fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUCHSINGER, Chairman.

Assembly Bill No. 382 ordered on file for second reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 89, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 89 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 87, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 87 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 359, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Substitute for Senate Bills Nos. 357, 358, and 361—An Act to provide for additional buildings for the California Home for the Care and

Training of Feeble-Minded Children; to equip the same for occupancy and use; to provide a system of electric lighting therein, and to make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bills Nos. 357, 358, and 361, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Substitute for Senate Bills Nos. 357, 358, and 361 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 101—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements, by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 101, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 101 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Smith, Stratton, Toner, Withington, and Wolfe—31.

NOES—Senator Trout—1.

Title read and approved.

Senate Bill No. 614—An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 614, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 614 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue,

Luchsinger, Morehouse, Prisk, Seawell, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

At eleven o'clock and twenty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 692—An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 692, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 692 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, and Withington—27.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 684—An Act to assist the Woman's Relief Corps Home Association, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

Also: Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

Also: Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

Also: Senate Bill No. 321—An Act to establish the Polytechnic Institute of California, in San Luis Obispo County, California, and making an appropriation therefor.

Also: Senate Bill No. 56—An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor.

Also: Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

Also: Senate Bill No. 640—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor.

Also: Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Also: Senate Bill No. 449—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal incorporations of the sixth class, approved March 27, 1885.

Also: Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco southward from its present southerly terminus, near the foot of Mission Street, on the waterfront

of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 504—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

Also: Substitute for Senate Bill No. 164—An Act to amend Section 634 of the Political Code, in relation to insurance, approved April, 1878.

Also: Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

JONES, Chairman.

Senate Bills Nos. 684, 48, 549, 321, 56, 419, 640, 405, 449, 363, 504, 164, and 490 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, and State of California, and to make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 4, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—27.
NOES—None.

Title read and approved.

Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold-storage system for said asylum; to appropriate money therefor, and provide for the expenditure of the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 118, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Hall, Holloway, Jones, Langford, La Rue,

Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, and Wolfe—29.

NOES—Senator Trout—1.

Title read and approved.

Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building for the use and occupancy of the officers, employés, and patients of the Mendocino Asylum; to purchase furniture and furnish same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 119, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 119 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—31.

NOES—None.

Title read and approved.

Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 389, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The enacting clause should be amended by striking out the word "the," before the word "Senate"; also, insert in line 1 of Section 3, after the word "Sec.," the figure "3." They therefore recommend that Senator Shippee be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In accordance with the recommendation of the Committee on Rules and Revision, Senator Shippee was appointed a special committee of one to amend the bill as suggested by the committee.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 389, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHIPPEE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 291—An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 291, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Luchsinger, Morehouse, Prisk, Shippee, Simpson, Stratton, Toner, Voorheis, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

Senate Bill No. 521—An Act to provide for additional improvements at the State Insane Asylum located at Agnews, in the County of Santa Clara, State of California, and to make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 521, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Denison, Flint, Franck, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 292—An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses, residing at Evergreen, in the County of Santa Clara, at the Home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 292, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 292 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 38—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 38, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 38 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

Senate Bill No. 64—An Act to establish a State hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 64, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 288, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 288 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Holloway, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 48, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Henderson, Holloway, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Smith, Stratton, Toner, Withington, and Wolfe—25.

NOES—Senator Trout—1.

Title read and approved.

Senate Bill No. 700—An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 700, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 700 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Bill No. 554—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Also: Assembly Bill No. 361—An Act entitled an Act to amend the Political Code, by adding a new section, requiring the State, and subdivisions of the State, to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

Also: Senate Bill No. 727—An Act ceding jurisdiction to the United States over certain lands in Los Angeles County, occupied by the Pacific Branch of the National Home for disabled volunteer soldiers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

Assembly Bills Nos. 554 and 361 and Senate Bill No. 727 ordered on file for second reading.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 139—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 139, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 139 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Prisk, Seawell, Smith, Toner, Trout, Withington, and Wolfe—31.

NOES—Senators Pedlar, Simpson, and Stratton—3.

Title read and approved.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Bill passed on file, but to retain its place.

Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public work.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 17, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee is of the opinion that said bill is unconstitutional, for the reasons as set forth in our report in regard to Senate Bill No. 69.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 17 finally passed by the following vote:

AYES—Senators Beard, Boyce, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Stratton, Toner, Trout, and Wolfe—26.

NOES—Senators Aram, Holloway, Jones, Langford, and Withington—5.

Title read and approved.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read, and referred to the Committee on Executive Communications and Nominations:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-first session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

January 10, 1895—Brewton A. Hayne, Alameda County, Director Deaf and Dumb and Blind Asylum, vice John W. Coleman, deceased.

October 23, 1895—John T. Harrington, Colusa, Director California Home for the Care and Training of Feeble-Minded Children, vice George W. Gibbs, term expired.

October 24, 1895—R. R. Reibenstein, Stockton, Director California Home for the Care and Training of Feeble-Minded Children, vice Charles P. Eels, term expired.

November 13, 1895—Thomas P. Woodward, San Francisco, Director California Home for the Care and Training of Feeble-Minded Children, vice Robert A. Poppe, term expired.

March 12, 1896—Frank H. Dixon, San Diego, member of State Board of Harbor Commissioners for the Bay of San Diego, vice J. H. Barbour, term expired.

March 12, 1896—Norman H. Conklin, San Diego, member of the State Board of Harbor Commissioners for the Bay of San Diego, vice W. W. Stewart, term expired.

March 20, 1896—John E. Budd, Stockton, member of the Board of Regents of the State University, vice J. B. Reinstein, who was appointed to fill the vacancy caused by the death of George J. Ainsworth, and resigned.

March 20, 1896—Timothy G. Phelps, San Francisco, member of the Board of Regents of the State University, vice himself, term expired.

March 20, 1896—J. B. Reinstein, San Francisco, member of the Board of Regents of the State University, vice Columbus Bartlett, term expired.

November 10, 1896—Alexander Vogelsang, San Francisco, member of the State Board of Fish Commissioners, vice W. C. Murdoch, resigned.

May 15, 1895—R. H. Warfield, San Francisco, Brigadier-General Second Brigade, with rank from the 15th day of May, 1895.

October 8, 1895—C. F. A. Last, Los Angeles, Brigadier-General, First Brigade, with rank from the 8th day of October, 1895.

October 8, 1895—M. W. Muller, Fresno, Brigadier-General, Third Brigade, with rank from November 16, 1891.

July 21, 1896—Nathaniel T. James, San Francisco, Major-General National Guard of California, vice W. H. Diamond, deceased, with rank from the 21st day of July, 1896.

April 8, 1896—James H. Wilkins, San Rafael, Director of the California State Prisons, vice R. T. Devlin, term expired.

July 16, 1896—Robert T. Devlin, Sacramento, Director of the California State Prisons, vice J. H. Neff, resigned.

Yours truly,

JAMES H. BUDD, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1897.

To the Senate of the State of California:

I hereby nominate Don Ray, of Sacramento County, Director of the California State Prisons, vice Edgar J. DePue, term expired, and respectfully ask your consent to the same.

Also: I hereby nominate John N. Woods, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice H. O. Southworth, term expired, and respectfully ask your consent to same.

Also: I hereby nominate John T. Doyle, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice Arthur Thornton, term expired, and respectfully ask your consent to same.

Also: I hereby nominate John D. McDougald, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, to succeed himself, and respectfully ask your consent to same.

Also: I hereby nominate Archibald McDonald, of the County of Santa Clara, Director of the State Insane Asylum at Stockton, to succeed himself, and respectfully ask your consent to same.

Also: I hereby nominate John Garber, of the County of Alameda, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice Warren C. Olney, term expired, and respectfully ask your consent to same.

Also: I hereby nominate W. W. Foote, of the County of Alameda, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice W. C. Bartlett, term expired, and respectfully ask your consent to same.

Also: I hereby nominate Henry Pierce, of the City and County of San Francisco, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice John K. McLean, term expired, and respectfully ask your consent to same.

Also: I hereby nominate Andrew J. Clunie, of the City and County of San Francisco, Insurance Commissioner for the State of California, for the term commencing April 5, 1898, and respectfully ask your consent to same.

JAMES H. BUDD, Governor.

THIRD READING OF BILLS—(RESUMED).

At three o'clock and five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 57—An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public.

Senator Seawell asked unanimous consent to withdraw Assembly Bill No. 57, which was on third reading, and substitute therefor on file Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment; and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same—which was on second reading.

Senator Dickinson objected to such substitution, on the ground that a bill on its second reading could not be substituted for a bill on its third reading.

RULING OF THE CHAIR.

The Chair ruled that under Rule XII of the joint rules, providing for a special file of Assembly bills after the 23d of January, 1897, there

was but one special file of Assembly bills, and bills were to be considered in the order in which they were placed on said file, regardless of whether they were upon the second or third reading, and that a substitution of one bill for another upon the Assembly file was in order at any time, upon consent of the Senate.

Consent granted.

Assembly Bill No. 57 withdrawn, ordered stricken from the file, and Assembly Bill No. 45 substituted therefor on file.

SECOND READING OF BILL.

Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of the State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment; and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.

During the second reading of the bill, the following amendment was submitted by Senator Seawell:

Amend by striking out of Section 1, lines 9, 10, and 11, the words "*provided*, that any employer may, by special contract with such employe, make other arrangements for said payment."

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Gillette, Pedlar, and Luchsinger.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Seawell moved a call of the Senate, at three o'clock and thirty-one minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Secretary then announced that Senators Bert, Boyce, and Braunhart were the only Senators absent without leave.

The President pro tem. directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

On motion of Senator Seawell, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President pro tem. then announced that amendment to Assembly Bill No. 45 was adopted by the following vote:

AYES—Senators Beard, Brauhart, Bulla, Doty, Dwyer, Feeney, Hall, Henderson, Jones, Langford, La Rue, Linder, Mahoney, Prisk, Seawell, Smith, Stratton, Toner, and Withington—19.

NOES—Senators Androus, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Hol-
loway, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Trout, and Voorheis—15.

Bill ordered to print.

LEAVE OF ABSENCE.

Senators Henderson, Luchsinger, and Dickinson were granted a leave of absence for the remainder of the afternoon, by request of Senator Dickinson.

At three o'clock and thirty minutes P. M., the time having expired for the consideration of the special file of Assembly bills, the further consideration of Assembly Bill No. 45 was postponed, to be taken up under the head of unfinished business.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Androus, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: I am directed to request your honorable body to return to the Assembly Senate Bill No. 1—An Act to amend an Act to enable school districts in cities of the fifth class to issue bonds and to repeal an Act to enable cities of the fifth class to issue bonds for school purposes, approved March 23, 1893—for further consideration.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March concurred in the Senate amendments to Assembly Bill No. 622—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Also: Assembly Bill No. 460—An Act to amend Section 943 of the Code of Civil Procedure.

Also: Assembly Bill No. 459—An Act to amend Section 939 of the Code of Civil Procedure.

Also: Assembly Bill No. 104—An Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, approved March 28, 1872, amendatory of Section 25 thereof, relating to the construction of buildings.

Also: Assembly Bill No. 173—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 180, relating to the acceptance and holding of private deposits of moneys or other valuables in the county treasury by the County Treasurer.

Also: Assembly Bill No. 23—An Act entitled an Act to amend Section 1575 of the Code of Civil Procedure.

Also: Assembly Bill No. 396—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing body, and repealing conflicting Acts.

Also: Assembly Bill No. 4—An Act to protect all citizens in their civil and legal rights.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

APPROPRIATIONS FOR STATE GOVERNMENT—THIRD READING OF BILLS.

On motion of Senator Smith, the Senate proceeded to further consider the appropriation bills for State government.

Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

The bill having been passed on file temporarily, it was, by request of Senator Morehouse, taken up and read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 684, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 684 passed by the following vote:

AYES—Senator Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Morehouse, Pedlar, Prisk, Smith, Stratton, Toner, Trout, Voorheis, and Withington—26.

NOES—None.

Title read and approved.

Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 549, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 549 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Prisk, Shippee, Smith, Stratton, Toner, and Withington—26.

NOES—None.

Title read and approved.

Senate Bill No. 620—An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 620, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 620 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Simpson, Smith, Stratton, Toner, and Withington—25.

NOES—Senators Bulla and Trout—2.

Title read and approved.

Senate Bill No. 399—An Act making an appropriation for the purpose of constructing a reservoir and laying and maintaining a line of pipe from said reservoir to the Marshall monument, and for other purposes.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 399, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 399 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Pedlar, Shippee, Simpson, Smith, Stratton, and Withington—28.

NOES—Senator Trout—1.

Title read and approved.

Assembly Bill No. 65—An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$50,000 therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 65, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 65 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, and Withington—28.

NOES—Senators Braunhart, Gillette, Pedlar, and Trout—4.

Title read and approved.

At four o'clock p. m., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Substitute for Senate Bill No. 321—An Act to establish the Polytechnic Institute of California in San Luis Obispo County, California, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 321, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Substitute for Senate Bill No. 321 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shippee, Simpson, Smith, Toner, Voorheis, Withington, and Wolfe—30.

NOES—Senators Braunhart, Holloway, Pedlar, Stratton, and Trout—5.

Title read and approved.

Senate Bill No. 56—An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 56, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 56 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

Title read and approved.

Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 419, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The further consideration of Senate Bill No. 419 was postponed temporarily.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 574—An Act amending Section 534 of the Political Code.

JONES, Chairman.

Senate Bill No. 574 ordered on file for third reading.

RECESS.

At four o'clock and thirty-seven minutes P. M., on motion of Senator Smith, the Senate took a recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 62—An Act making an appropriation to pay the claim of Thomas Hatch—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

Also: Assembly Bill No. 229—An Act making an appropriation to pay the claim of Sarah H. Wing against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 247—An Act making an appropriation to pay the claim of the Daily Report Publishing Co., for advertising the constitutional amendments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be referred to the Committee on Finance before being placed on the second-reading file.

Also: Assembly Bill No. 233—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments—have had the same under consideration, and respectfully report the same back without recommendation, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bills Nos. 62, 229, 247, and 233 re-referred to the Committee on Finance.

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the Governor's message relative to the nomination of Andrew J. Clunie, of the City and County of San Francisco, as Insurance Commissioner for the State of California, for the term commencing April 5, 1898—have had the same under consideration, and respectfully report the same back, and recommend that the Senate do confirm said nomination.

WOLFE, Chairman.

CONSIDERATION OF THE GOVERNOR'S APPOINTMENTS.

Senator Wolfe moved to proceed with the consideration of one of the Governor's appointments.

So ordered.

Consideration of the confirmation of the appointment of Andrew J. Clunie, of the City and County of San Francisco, as Insurance

Commissioner for the State of California, for the term commencing April 5, 1898.

Upon the question, "Will the Senate advise and consent to the appointment of Andrew J. Clunie, of San Francisco, to the office of Insurance Commissioner for the State of California, vice M. R. Higgins?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—35.

NOES—None.

Whereupon the President announced the appointment of Andrew J. Clunie to the office of Insurance Commissioner of California duly confirmed.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Withington, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 1st day of March, passed Senate Bill No. 32—An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make and give to the Assessor a statement of his property.

Also: Senate Bill No. 132—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Also: Senate Bill No. 50—An Act defining the different grades of cheese, and for branding the same, manufactured in the State of California.

Also: Amended, and passed as amended, Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 32, 132, and 50 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 155.

ASSEMBLY AMENDMENTS.

Strike out all after the word "appoint," on line 2 of Section 1 of the printed bill, down to and including the word "Senate," on line 3 thereof.

Also: Strike out the word "fund," on line 2 of Section 3, of the printed bill, and insert in place thereof the word "moneys."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 155?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 1st day of March, amended, and passed as amended, Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 140.

ASSEMBLY AMENDMENTS.

Amend Section 2, line 9, by striking out after the word "pursuant" the word "to," and inserting the following words: "to the provisions of."

Also: Amend Section 2, line 10, by inserting after the word "primary" the following words: "election to be held."

Also: Amend Section 2, line 10, by striking out after the word "purpose" the words "to be held."

Also: Amend Section 2, line 21, by striking out after the word "city," and before the word "county," the word "or," and inserting in lieu thereof the word "and."

Also: Amend Section 2, line 23, by inserting after the word "city" the words "or other local."

Also: Amend Section 2, line 31, by inserting after the word "by" the words "said board, or fixed by."

Also: Amend Section 2, line 33, by inserting after the word "one" the word "daily."

Also: Amend Section 4, line 5, after the word "days," by inserting the words "prior to the time."

Also: Amend Section 10, line 15, by inserting after the word "in" the word "daily."

Also: Amend Section 10, line 16, by striking out the word "one" and inserting the following words: "in at least one daily."

Also: Amend Section 18, line 15, after the words "at such convention," by inserting the following: "No elector shall sign any petition for any independent candidate, or candidates, prior to the date set for the holding of any primary election for the election of delegates to any convention for the nomination of candidates for any office for which such petition is circulated or signed."

Also: Amend Section 18, line 18, by inserting after the word "register" the words "or otherwise."

Also: Amend Section 19, line 20, by inserting after the word "closed" the following words: "The top or opening of each ballot-box, in which ballots were deposited, must be securely covered and sealed by the inspector, and the covering and seal must not be permitted to be broken until the election board is ready to open the box, to take out and count the ballots. Only one box shall be opened at a time, and after the covering and sealing of the ballot-boxes."

Also: Amend Section 23 so as to read as follows:

Sec. 23. Any person who at any primary election shall vote illegally, or attempt so to vote, shall be subject to the same punishment provided by law in case of such voting, or attempting to vote, at a general election in this State. No person shall be allowed to vote whose name does not appear upon the great or precinct register of the county, or city and county, used at the last general election held before such primary election, in the precinct in which he desires to vote, as a person entitled to vote in such precinct, or unless his name appears upon the supplements to such great or precinct registers. If the election officers at such primary election shall knowingly permit any person to vote after being challenged, who shows by his examination that he is not entitled to vote, they shall be guilty of a felony, and upon conviction thereof be imprisoned in State prison not less than one nor more than five years.

Also: Amend Section 27, line 4, by striking out, after the word "State," the word "the."

Also: Amend Section 27, line 7, by striking out the word "or" after the word "organization," and inserting in lieu thereof the word "of."

Also: Amend Section 28, line 14, by striking out after the word "section" the word "twenty-three," and inserting in lieu thereof the word "nineteen."

Also: Amend Section 29, line 5, by inserting after the word "be" the words "except as herein otherwise provided."

Also: Amend Section 33 by adding the following words at the end of the section: "Any violations of the provisions of this Act shall, except as herein otherwise provided, be a misdemeanor, and punishable as such."

Also: Amend Section 37, line 6, by striking out the words "or candidates" after the word "candidate," and inserting the following words: "and provided further, that no more than one candidate shall be nominated by the same petition."

Also: Amend Section 37 of printed Senate Bill No. 140, as amended in Assembly February 24, 1897, by striking out all after the word "Act," in line 5, and inserting in lieu thereof the following: "provided, however, that nothing in this Act shall prevent any candidate from being nominated as provided in Section 1188 of the Political Code; but such nominees can have no other designation on the ballot than the word 'independent'; and provided further, that no more than one candidate shall be nominated by one petition."

Also: Amend by striking out all of Section 12, and thereafter renumbering the sections following so that they will follow Section 11 in proper numerical order.

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 140?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—28.
NOES—None.

SPECIAL ORDERS—APPROPRIATIONS FOR STATE GOVERNMENT—THIRD
READING OF BILLS—(RESUMED).

Substitute for Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

The bill having been read a third time on this day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

On motion of Senator Flint, Senator Luchsinger was appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, line 1, of substitute, the words "seventy-five," and inserting the following: "sixty."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 419, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 640—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 640, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 640 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, and Wolfe—31.

NOES—Senators Bulla, La Rue, and Trout—3.

Title read and approved.

Assembly Bill No. 706—An Act authorizing the Clerk of the Supreme Court to furnish his office, and make an appropriation therefor.

Bill passed on file, but to retain its place.

MOTION.

Senator Aram moved that the appropriation bills for State government be made a special order for to-morrow at three o'clock and thirty minutes p. m.

So ordered.

Senator Doty asked unanimous consent to have Senate Bill No. 340 taken up.

Consent granted.

SECOND READING OF BILL.

Senate Bill No. 340—An Act to provide for the purchase of additional land for the Preston School of Industry, at Ione.

Bill read second time, considered engrossed, and ordered on the special file of appropriations for State government.

SECOND READING OF BILLS.

On motion of Senator Gillette, the Senate proceeded to consider Senate bills on the second-reading file.

Senate Bill No. 317—An Act to amend Section 1216 of the Penal Code, relating to duty of Sheriff on receiving copy of judgment of imprisonment.

Senator Toner asked unanimous consent to withdraw Senate Bill No. 317, and substitute therefor on file Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith.

Consent granted.

Senate Bill No. 317 withdrawn, ordered stricken from the file, and Senate Bill No. 678 substituted therefor on file.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

During the second reading of the bill, the following substitute was submitted by Senators Gillette and Luchsinger:

SUBSTITUTE B FOR SENATE BILL NO. 416.

An Act to amend Section 2460 of the Political Code of the State of California, relating to pilots of San Francisco, Mare Island, Vallejo, and Benicia rendering a monthly account to the Board of Pilot Commissioners; also, to amend Section 2466 of the Political Code of the State of California, relating to rates of pilotage into or out of the harbor of San Francisco; and to add a new section to the Political Code of the State of California, to be designated as Section 2471, relating to discriminating charges for pilotage.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two thousand four hundred and sixty of the Political Code of the State of California is hereby amended to read as follows:

Section 2460. Every pilot of the harbor of San Francisco, Mare Island, Vallejo, and Benicia must, once in each month, upon blanks to be furnished to them by the Board of Pilot Commissioners, render a verified account to the board of all moneys received by him, or by any other person for him, on his account, and pay five per cent thereof to the board, in full compensation for its official services, for the services of its secretary and treasurer, and all incidental expenses. Such account shall give the name of each vessel piloted, and the master thereof, where the same is registered, the depth of its draught, its tonnage, whether inward or outward bound, and whether the amount received for piloting it is for full pilotage or half pilotage; and the secretary shall record such account in a book prepared for that purpose, which book shall at all times be open to public inspection.

SEC. 2. Section two thousand four hundred and sixty-six of the Political Code of the State of California is hereby amended to read as follows:

Section 2466. The following shall be the rates of pilotage into or out of the harbor of San Francisco: All vessels under five hundred tons, four dollars per foot draught: all

vessels over five hundred tons, four dollars per foot draught and three cents per ton for each and every ton registered measurement. When a vessel is spoken, inward or outward bound, and the services of a pilot are declined, one half of the above rates shall be paid. In all cases when inward-bound vessels are not spoken until inside of the bar, the rates of pilotage and one half pilotage above provided shall be reduced fifty per cent. Vessels engaged in the fishing or whaling trades shall be exempt from all pilotage, except where a pilot is actually employed.

SEC. 3. A new section is hereby added to the Political Code of the State of California, to be known as section two thousand four hundred and seventy-one, to read as follows:

Section 2471. No pilot shall discriminate in favor of any vessel which he pilots, either by taking a less rate of pilotage than that received from other vessels for a like service, or by making any rebate of the fees due him for the service rendered in piloting such vessel, or in any other manner. Any pilot violating any of the provisions of this section shall have his license revoked and shall pay a fine of five hundred dollars; and it shall be the duty of the Attorney-General, in the name of the people of the State of California, upon a verified complaint being filed with him showing that the provisions of this section have been violated, to commence an action in the Superior Court of the City and County of San Francisco to recover such fine and to revoke the license of the pilot who it is claimed violated the provisions of this section. Any pilot whose license shall be revoked shall not be again appointed as a pilot for a period of five years.

The roll was called, and Substitute B for Senate Bill No. 416 refused adoption by the following vote:

AYES—Senators Beard, Brauhart, Chapman, Gleaves, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Smith, Stratton, Trout, and Withington—14.

NOES—Senators Androus, Aram, Bert, Boyce, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Hall, Henderson, Langford, Linder, Mahoney, Morehouse, Shippee, Simpson, Toner, Voorheis, and Wolfe—23.

Bill read second time, considered engrossed, and ordered on file for third reading.

NOTICE OF RECONSIDERATION.

Senator Gillette gave notice that on next legislative day he would move a reconsideration of the vote whereby Substitute B for Senate Bill No. 416 was this day refused adoption.

Senator Gleaves asked unanimous consent to withdraw Substitute A for Senate Bill No. 416.

Consent granted.

Substitute A for Senate Bill No. 416 withdrawn.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March amended, and passed as amended, Senate Bill No. 539—An Act relinquishing to the United States of America the title of this State to certain lands.

Also: Adopted Senate Concurrent Resolution No. 9, relative to recalling Assembly Bill No. 419 and Assembly Bill No. 76.

Also: Passed Assembly Bill No. 431—An Act to amend Section 3641 of the Political Code, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Also: Assembly Bill No. 432—An Act to add a new section to the Political Code, to be known as Section 3609 thereof, relating to the general revenue of this State, and to property liable to taxation for the purpose of revenue.

Also: Assembly Bill No. 433—An Act to amend Section 3608 of the Political Code of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Also: Assembly Bill No. 694—An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations, for the purpose of making, improving, and repairing roads.

Also: Concurred in Senate Amendments Nos. 1, 4, 5, 6, 7, and 10, and refused to concur in Senate Amendments Nos. 2, 3, 8, and 9 to Assembly Bill No. 742—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensa-

tion of a Debris Commissioner, and to make an appropriation, to be expended under his directions, in the discharge of his duties as such commissioner," approved March 24, 1893 (Substitute for Assembly Bill No. 83)—and respectfully requests your honorable body to recede from Amendments Nos. 2, 3, 8, and 9 to said bill.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 539.

ASSEMBLY AMENDMENTS.

Amend on line 6, Section 1, of the printed bill, by inserting after the words "purposes or defense" the words "lying adjacent and contiguous to any island the title to which is in the United States, or which island is reserved by the United States for any military or naval purposes, or for defense."

Also: Amend by inserting at the end of line 17: "and provided further, that this State reserves the right to serve and execute on said lands all civil process, not incompatible with this cession, and such criminal process as may lawfully issue under the authority of this State against any person or persons charged with crimes committed without said lands."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 539?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, La Rue, Luchsinger, Morehouse, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—25.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 539 ordered to enrollment.

Senate Concurrent Resolution No. 9 ordered to enrollment.

Assembly Bills Nos. 431, 432, and 433 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 694 read first time, and referred to the Committee on City, City and County, and Town Governments.

RECONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL No. 742.

Senator Voorheis moved that the Senate recede from Senate Amendment No. 9 to Assembly Bill No. 742.

AMENDMENT No. 9.

Amend Section 6 by striking out the whole thereof, and inserting instead thereof the following: "Sec. 6. Section 6 of said Act is hereby repealed."

And that it refuse to recede from the following Senate amendments:

AMENDMENT No. 2.

Amend Section 2 by striking out from line 4 the words "three hundred dollars per month," and insert instead thereof the following: "ten dollars per day."

AMENDMENT No. 3.

Amend Section 2 by striking out from line 6 thereof the words "such traveling expenses."

AMENDMENT No. 8.

Amend Section 5 by striking out from lines 4 and 5 thereof the words "excepting the salaries of said commissioner and said secretary."

And that the President appoint a committee on conference to confer with a like committee from the Assembly upon Senate Amendments Nos. 2, 3, and 8.

The roll was called, and the motion carried by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Franck, Hall, Henderson, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Simpson, Toner, Trout, Voorheis, and Wolfe—23.
NOES—Senators Pedlar, Stratton, and Withington—3.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

APPOINTMENT OF COMMITTEE.

The President appointed Senators Voorheis, Chapman, and Prisk as such committee on conference.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Senator Wolfe, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 2, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Saturday, February 27, 1897, was approved.

LEAVE OF ABSENCE.

Senator Boyce was granted a leave of absence for the day, as requested by Senator Simpson.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following report and resolution:

SENATE CHAMBER, SACRAMENTO, February 20, 1897.

MR. PRESIDENT: Your Committee on Elections to whom was re-referred the matter of the expenses incurred in the election contests of Welch, Jr. vs. Hall, Tyrrell vs. Hall, McCarthy vs. Hall and Chandler vs. Feeney, beg leave to report that they have had the matter under further consideration and fully investigated the same and they therefore recommend that in the case of John Tyrrell vs. Sidney Hall, Garrett W. McEnerny be allowed an attorney fee of \$250 as heretofore recommended.

That in the case of D. J. McCarthy vs. Sidney Hall, the contestant be allowed as heretofore recommended, the following costs:

| | |
|---|--------|
| Fees of County Clerk and Sheriff | \$7 50 |
| Witness fees, 48 witnesses | 50 00 |
| Subpoenaing witnesses | 20 00 |
| Stenographer's fees, Ernest J. Mott, two days | 20 00 |
| Transcript of testimony | 75 00 |
| Justice's fees | 10 00 |
| Attorney fee, Henry C. Dibble, Jr. | 100 00 |

Total \$282 50

That in the case of M. J. Welch, Jr., vs. Sidney Hall, the contestant, M. J. Welch, Jr., be allowed the following costs:

| | |
|---|----------|
| Fees of County Clerk, Sheriff, and witnesses | \$100 50 |
| Fees of Justices G. W. F. Cook and J. E. Barry | 35 00 |
| Fees of J. A. Vaughan, stenographer, nine days, and transcript of testimony, 1,500 folios | 350 00 |
| Attorney fee, Martin Stevens | 100 00 |

Total \$585 50

That in the case of M. J. Welch, Jr., vs. Sidney Hall, the contestee be allowed the following costs:

| | |
|--|---------|
| Witness fees | \$40 00 |
| Watcher for ballots during recount | 20 00 |
| Attorney fee, Garrett W. McEnerny | 200 00 |

Total \$260 00

That in the case of Thomas W. Chandler vs. John Feeney, the contestant, Thomas W. Chandler be allowed the following costs, as heretofore recommended:

| | |
|---------------------------------------|---------|
| Court costs and expenses | \$11 00 |
| Witness fees | 98 40 |
| Stenographer's fees and mileage | 50 00 |
| Attorney fee, Frank Powers | 100 00 |

Total \$259 40

That in the case of Thomas W. Chandler vs. John Feeney, the contestee be allowed, as heretofore recommended, the following costs:

| | |
|--|---------|
| Ernest J. Mott, four days | \$40 00 |
| Transcript of testimony, 288 folios | 50 00 |
| Fees of Justices G. W. F. Cook and J. E. Barry | 20 00 |
| Attorney fee, Garrett W. McEnerny | 200 00 |

Total \$310 00

That in the case of John Tyrrell vs. Sidney Hall, the contestant be allowed, as heretofore recommended, the following costs:

| | |
|---|---------|
| Witness fees, 18 witnesses | \$36 00 |
| Subpoenaing witnesses | 5 00 |
| Stenographer's fees, L. Conlan, nine days' attendance and transcript of testimony, 1,500 folios | 350 00 |
| Costs filing contest, Sheriff's and notary's fees | 8 50 |
| Fees of Justices G. W. F. Cook and J. E. Barry | 30 00 |
| Attorney fee of Meeks, Ruel & Dinkelspiel | 100 00 |

Total \$532 30

That as heretofore recommended the following costs be allowed the same having been incurred in the matter of the recount of the ballots in the cases of McCarthy vs. Hall, Welch vs. Hall, and Tyrrell vs. Hall:

| | |
|--|---------|
| J. C. Bonner, W. F. Arlett and Charles Fawcett clerks, \$25 each. | \$75 00 |
| Robert Mitchell caller | 25 00 |
| Perix Dolan stranger | 25 00 |
| Miss Ida Woodworth, stenographer, four days | 40 00 |
| Transcript of testimony, 141 folios, at 20 cents | 21 15 |

| | |
|--|---------|
| Four copies testimony, at 5 cents per folio | \$28 20 |
| Alexander McCabe, J. C. Jones, Abraham Friedlander, and James
Kidney, clerks representing contestants and contestee, \$10 each .. | 40 00 |
| Service of citation on Registrar of Voters and Deputy Registrar of
Voters, and mileage | 36 60 |
| W. M. Hinton, expressage on ballots from San Francisco and return. | 20 10 |
| James C. Reynolds, Deputy Registrar, guarding ballots, and mileage | 28 00 |
| Guy Hinton, Deputy Registrar, guarding ballots, and mileage | 39 25 |
| L. J. Welch, Deputy Registrar, guarding ballots, and mileage | 49 50 |

Total \$427 80

And your committee further recommend that in the case of McCarthy vs. Hall, the contestee be allowed the following expenses:

Attorney fee, Garrett W. McEnerny \$100 00

And we recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following named persons, and in the amount set opposite their names, the same to be payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same:

| | |
|---|----------|
| F. S. Stratton, as Chairman Elections Committee | \$427 80 |
| Garrett W. McEnerny | 100 00 |
| A. Ruef | 182 30 |
| S. L. Conlan | 350 00 |
| Garrett W. McEnerny | 220 00 |
| Ernest J. Mott | 90 00 |
| Frank Powers | 257 40 |
| Garrett W. McEnerny | 260 00 |
| Martin Stevens | 235 50 |
| J. A. Vaughan | 350 00 |
| Henry C. Dibble, Jr. | 187 50 |
| Ernest J. Mott | 95 00 |
| Garrett W. McEnerny | 200 00 |

Total \$2,955 50

STRATTON, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—28.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following report and resolution:

SENATE CHAMBER, SACRAMENTO, February 24, 1897.

MR. PRESIDENT: Your special sub-committee appointed to visit San Luis Obispo and report upon the feasibility of locating a State school at that place; also, the site of the proposed Reform School for Girls at Santa Clara; the State Normal School at San José, and the Insane Asylum at Agnews, beg leave to report that they have performed their duty, and that the expenses incurred were as follows:

| | |
|--|----------|
| Railroad fares | \$141 40 |
| Hotel bills, including incidentals, as street car fares, telegraphing,
typewriting, etc. | 173 60 |
| Total | \$315 00 |

Therefore, be it resolved, That the Controller be and is hereby directed to draw his warrant in favor of S. C. Smith, Chairman of said sub-committee, for the sum of \$315, said warrant to be drawn upon the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

SMITH, for the Committee.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 770 (Substitute for Assembly Bill No. 149)—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under power of mortgages and trust deeds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 623—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringements of the rights of trademarks—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that the Senate has already passed a bill amending the same section.

Also: Assembly Bill No. 200—An Act to amend Sections 925, 928 of the Penal Code of the State of California, and add a new section to said Code, to be known as Section 929, relating to grand juries, their powers and duties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

SIMPSON, Chairman.

Assembly Bills Nos. 770, 623, and 200 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 2, 1897

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Concurrent Resolution No. 8—Relative to recalling a bill from the Governor—and presented the same to the Governor on this day, at four o'clock and forty minutes P. M.

JONES, Chairman.

Senate Bill No. 389 ordered on file for third reading.

REPORT OF COMMITTEE OF FREE CONFERENCE.

MR. PRESIDENT: Your committee of free conference, appointed on behalf of the Senate and of the Assembly, respectively, with reference to the disagreement between the two houses relative to the abrogation of certain joint rules, respectfully report, recommending the following:

That Joint Rules XL, XLVIII, and XLIX be dispensed with for the remainder of the session.

And we further recommend the passage of a resolution adjourning the Legislature *sine die* at twelve o'clock midnight of Saturday, March 13, 1897.

DICKINSON,
LUCHSINGER,
HENDERSON,
Senate Committee.
CUTTER,
EMMONS,
NORTH,
Assembly Committee.

The roll was called, and the report of the committee of free conference adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—34.
NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 384—An Act to prohibit the officers and employes of banks and banking corporations from borrowing the funds thereof.

Also: Assembly Bill No. 434—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

FRANCK, Chairman.

Senate Bill No. 384 and Assembly Bill No. 434 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March passed Assembly Bill No. 187—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School at Los Angeles, California.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

RETURN OF BILL.

On motion of Senator Voorheis, the Secretary was directed to return to the Assembly, Assembly Bill No. 187, and to notify the Assembly that a similar bill had been passed by the Senate on a previous day.

RESOLUTION.

Senator Bert offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sacramento Typewriter Exchange for the sum of \$15, in payment of one Ajax numbering machine for the use of the Secretary's desk, and the Treasurer is directed to pay the same.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Smith moved a reconsideration of the vote whereby Senate Bill No. 407 was refused passage.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Dickinson, Doty, Flint, Holloway, La Rue, Luchsinger, Pedlar, Shippee, Simpson, Smith, Stratton, and Withington—16.
NOES—Senators Bert, Brauhart, Chapman, Denison, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, Mahoney, Morehouse, Prisk, Seawell, Shine, Toner, Trout, Voorheis, and Wolfe—22.

CONCURRENT RESOLUTION.

Senator Dickinson offered the following concurrent resolution, and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 10.

Resolved by the Senate, the Assembly concurring. That Joint Rules XL, XLVIII, and XLIX be and they are hereby suspended for the remainder of this session.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Simpson, Smith, Stratton, Trout, and Voorheis—30.

NOES—None.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Smith moved a reconsideration of the vote whereby Senate Bill No. 512 was passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Trout, Withington, and Wolfe—29.

NOES—None.

The question recurring on the passage of Senate Bill No. 512—An Act to add a new article to Chapter I of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county Boards of Election Commissioners.

The roll was called, and Senate Bill No. 512 refused passage by the following vote:

AYES—Senators Androus, Bert, Braunhart, Denison, Franck, Seawell, Stratton, and Withington—8.

NOES—Senators Aram, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Simpson, Smith, Toner, Trout, and Wolfe—27.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Withington moved a reconsideration of the vote whereby Senate Bill No. 154 was refused passage.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Franck, Gillette, Jones, Morehouse, Pedlar, Seawell, Shippee, Smith, Stratton, and Withington—14.

NOES—Senators Bert, Chapman, Denison, Doty, Dwyer, Feeney, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Linder, Mahoney, Prisk, Shine, Simpson, Toner, Trout, Voorheis, and Wolfe—21.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 373.

On motion of Senator Seawell, consideration of Assembly amendment to Senate Bill No. 373 was taken up.

ASSEMBLY AMENDMENT.

Amend by inserting the words "by unanimous concurrence" after the word "thereof," in line 5 of Section 1 of printed bill.

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 373?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—Senator Morehouse—1.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

MOTION TO RECONSIDER POSTPONED.

Senator Gillette asked unanimous consent to have the motion to reconsider the vote whereby Substitute B for Senate Bill No. 416, offered by Senators Luchsinger and Gillette, was refused adoption, postponed until to-morrow at three o'clock and thirty minutes P. M.

Consent granted.

RESOLUTION—(OUT OF ORDER).

Senator Flint offered the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of State for the sum of sixty-five (\$65) dollars, payable out of the Contingent Fund of the Senate, to pay for the expense attached to the procuring of a picture of ex-Lieutenant-Governor Spencer G. Millard; and the Treasurer is directed to pay the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Substitute for Senate Bill No. 419 (reengrossed)—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

JONES, Chairman.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March passed Assembly Bill No. 876—An Act to regulate the business of commission merchants, agents, factors, or brokers dealing in farm produce, grain, fruit, seeds, honey, or dairy produce.

Also: Assembly Bill No. 867—An Act to amend Section 647 of the Penal Code of California (Substitute for Assembly Bill No. 576).

Also: Assembly Bill No. 437—An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands.

Also: Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 859—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of unnavigable streams and water-courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Board of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 876 read first time, and referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Assembly Bill No. 867 read first time, and referred to the Committee on Judiciary.

Assembly Bills No. 437 and 160 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 859 read first time, and referred to the Committee on Irrigation and Water Rights.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 30—Relative to and advocating the passage of the California Mineral Lands Bill.

Also: That the Assembly on this day adopted Senate Concurrent Resolution No. 7—Relative to the charter of the City of San José.

S. J. DUCKWORTH, Chief Clerk.

MOTION.

Senator Voorheis moved the adoption of Assembly Joint Resolution No. 30.

The roll was called, and Assembly Joint Resolution No. 30 adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33,

NOES—None.

Senate Concurrent Resolution No. 7 ordered to enrollment.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Withington, the Senate took a recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

On motion of Senator Seawell, Senator Withington was appointed a special committee of one to amend as follows:

Amend by striking out of line 7, Section 1, of printed bill, the word "twenty-four," and inserting in lieu thereof the word "eighteen."

Also: Amend by striking out the word "eighteen," in line 5, Section 1, page 1, of printed bill, and inserting in lieu thereof the word "twenty-five."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred amended Assembly Bill 372, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print.

UNFINISHED BUSINESS.

Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment; and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.

The bill having been partially read the second time on a previous day, and amended, and postponed as unfinished business.

The following amendments were submitted:

By Senator Withington:

Amend by striking out Sections 2 and 3, and renumber sections following.

Amendment adopted.

By Senator Pedlar:

Amend by striking out all of Section 1½.

Amendment lost.

Bill ordered to print.

Assembly Bill No. 68—An Act to amend "An Act to establish the

fees of county, township, and other officers, and of jurors and witnesses, in this State," relating to fees to be paid County Clerks.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 68, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 68 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Holloway, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Simpson, Smith, Stratton, Toner, Trout, and Withington—24.

NOES—None.

Title read and approved.

Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 14 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Denison, Doty, Dwyer, Feeney, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Voorheis—22.

NOES—None.

Title read and approved.

WITHDRAWAL OF BILL.

Senate Bill No. 333—An Act for the protection and propagation of shrimps.

Senator Toner asked unanimous consent to withdraw Senate Bill No. 333 and substitute therefor on file Senate Bill No. 667—An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines.

Consent granted.

Senate Bill No. 333 withdrawn, ordered stricken from the file, and Senate Bill No. 667 substituted therefor on file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 454—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 454 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Simpson, Stratton, Trout, and Withington—22.

NOES—None.

Title read and approved.

Assembly Bill No. 26—An Act to amend Section 15 of an Act entitled an Act amendatory of and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 30, 1868.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 26, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 26 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Denison, Doty, Feeney, Flint, Franck, Gleaves, Jones, Langford, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Trout, Withington, and Wolfe—22.

NOES—None.

Title read and approved.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 476—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

During the second reading of the bill, the following amendment was submitted by Senator Withington:

Amend by striking out of Section 1, line 39, the words "one hundred," between the words "exceed" and "cents," and inserting in lieu thereof the following: "seventy-five."

Amendment adopted.

Bill read second time, and ordered to print.

At two o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 114—An Act to provide for the publication of the State Blue Book.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 114 refused final passage by the following vote:

AYES—Senators Chapman, Denison, Flint, Gleaves, Hall, Henderson, Mahoney, Shine, and Trout—9.

NOES—Senators Beard, Brauhart, Dickinson, Doty, Franck, Gillette, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Smith, Toner, Withington, and Wolfe—20.

Assembly Bill No. 71—An Act to amend Section 4428 of the Political Code of the State of California, relating to the powers of Judges of

Police Courts to call in Justices of the Peace to act in their place and stead.

Bill passed on file, but to retain its place.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors, respecting roads.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend by adding after Section 1, line 113. of printed bill, a new section to read as follows:

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

By Senator Doty:

Amend Section 1, page 4, line 101, by inserting between the word "any" and the word "road," the word "public."

Amendment adopted.

By Senator Pedlar:

Amend by striking out of Section 1, line 14, the word "poverty," and inserting in lieu thereof the following: "property."

Amendment adopted.

By the committee:

Strike out of Section 1 all on line 43 of printed bill, down to and including the word "funds" on line 109 of said Section 1 of said printed bill, and insert in lieu thereof the following:

11. Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling, or other work upon highways is necessary, and is to be done, and where the probable or estimated cost of such work amounts to fifty dollars, the board must advertise for bids for the performance of the work, as hereinafter specified. Where the estimated cost of such work amounts to three hundred dollars, the Board of Supervisors must, by proper order, direct the County Surveyor to make definite surveys of the proposed work, and to prepare profiles and cross-sections thereof, and to submit the same, with the estimate of the amount or amounts of work to be done, and the cost thereof, and with specifications therefor. Said report shall be filed with the clerk of the Board of Supervisors. Where the probable or estimated cost of the work is over fifty dollars, and under three hundred dollars, the board may prepare the necessary description or specifications. Upon the receipt of the report of the County Surveyor, or upon the preparation of the estimates and specifications by the board, the board must advertise for bids for the performance of the work specified. Such advertisement for bids must be published for two consecutive insertions in a newspaper published in the county at a point nearest the proposed work. Such advertisement must be in the following form:

"Office of the Clerk of the Board of Supervisors,
— County, —, 189—.

"Sealed bids will be received by the clerk of the Board of Supervisors of — County, at his office, until — o'clock — M., —, 189—, for —, on —, in — District, in — County.

"Specifications for this work are on file in the office of the said board, to which bidders are hereby referred.

"Clerk of the Board of Supervisors of the County of —."

And such advertisement must also be posted, for at least two weeks prior to the opening of the bids for the proposed work, in three conspicuous places in the district or districts in which the proposed work lies, and one at the site of the proposed work. Bids must be inclosed in a sealed envelope, addressed to the clerk of the Board of Supervisors, and must be indorsed, "Bids for —," and must be delivered to said clerk prior to the hour specified in the advertisement. The board shall publicly open and read such bids as may be submitted, and must award the contract for the work to the lowest bidder unless it shall appear to the board that the bids are too high, in which case the board may reject all bids, and readvertise, as in the first instance. When such work is completed, the same shall be inspected by the Board of Supervisors and the County Surveyor, or by the County Surveyor and a committee of the board, appointed by the

chairman to inspect and report upon the same; and where properly done and performed shall be accepted by them; and no payment shall be paid for such work until the same has been inspected and accepted, as aforesaid; *provided*, the board may, in their discretion, advance not to exceed thirty per cent of the amount of such contract after the work is at least one half completed.

Amendment lost.

Bill read second time, and ordered to print.

Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out in line 1, Section 3, page 2, of the printed bill, after the word "done," the words beginning with the word "shall," and ending with the word "Act," in the third line of said section.

Amendment adopted.

Also: Amend by striking out all of Section 4, page 2, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 86—An Act to amend Section 1197 of the Code of Civil Procedure, relating to independent rights of action in cases of liens.

On motion of Senator Morehouse, Assembly Bill No. 86 was refused second reading.

NOTICE OF RECONSIDERATION.

Senator Prisk gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 86 was this day refused second reading.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 89—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895, by amending Sections 6 and 69 thereof, relating, respectively, to the appointment of a time for the election of an assignee, and to costs in cases of involuntary insolvency.

Bill passed on file, but to retain its place.

Assembly Bill No. 769—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments and validating records heretofore made.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 827—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 113—An Act to repeal Section 415 of the Political Code of California, relative to the translation of the laws into Spanish, and their distribution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 420—An Act to amend Section 581 of the Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 461—An Act to amend Section 963 of the Code of Civil Procedure.

During the second reading of the bill, the following amendment was submitted by Senator Morehouse:

Amend by adding to paragraph 1, at the beginning of line, the word and figure "Section 1."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 462—An Act to amend Section 977 of the Code of Civil Procedure.

During the second reading of the bill, the following amendment was submitted by Senator Luchsinger:

Amend by inserting in line 1 the words "Section 1" before the word "Section."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 405—An Act making an appropriation for improving the Capitol buildings and grounds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 843—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

During the second reading of the bill, the following amendment was submitted by Senator Withington:

Amend by striking out of Section 1, line 1, the words "said Act," and inserting in lieu thereof the following: "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises, approved March 23, 1893."

Amendment adopted.

Bill read second time, and ordered to print.

MOTION.

On motion of Senator Morehouse, the time for the consideration of Assembly bills was extended ten minutes.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 916—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands.

Bill passed on file, but to retain its place.

Assembly Bill No. 847—An Act to provide for the transfer from Whittier State School at Whittier of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California, and heretofore used by the California Home for the Care and Training of Feeble-Minded Children, in the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sacramento Typewriter Exchange, for the sum of \$15, in payment of one Ajax numbering machine, for the use of the Secretary's desk, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Denison, Dickinson, Doty, Flint, Gleaves, Hall, Holloway, Jones, Langford, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Stratton, Trout, and Withington—23.

NOES—None.

SPECIAL ORDERS.

Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 389 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Smith, Stratton, Toner, Trout, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

At three o'clock and forty minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Substitute for Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

On motion of Senator Withington, Senator Flint was appointed a special committee of one to amend by striking out of Section 1, lines 5 and 6, the words "and automatic temperature regulating"; also, in line 7, the word "automatic."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 419, with instructions to amend, respectfully reports the same back, amended as per instructions.

FLINT, Committee.

Report of special committee of one and amendment refused adoption.

The roll was called, and Substitute for Senate Bill No. 419 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Seawell, Shippee, Toner, Voorheis, and Wolfe—21.

NOES—Senators Beard, Brauhart, Bulla, Franck, Gillette, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Trout, and Withington—18.

Title read and approved.

Assembly Bill No. 706—An Act authorizing the Clerk of the Supreme Court to furnish his office, and make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 706, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 706 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, and Wolfe—25.

NOES—Senators La Rue and Trout—2.

Title read and approved.

MESSAGES FROM THE GOVERNOR.

At four o'clock and thirty-two minutes P. M., the following messages from the Governor were received and read, the time of receipt being noted by request of Senator Boyce:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 2, 1897. }

To the honorable Senate of California :

I herewith return Senate Bill No. 28, without my approval, and with my objections thereto.

This bill presents an attractive idea, and suggests possibilities as limitless as inhere in organized society. Had the question been presented to me in legal form, I hesitate to say what might have been my disposition of it. I need not now, however, discuss the question of its practicability or its policy, as, in its present form, it is plainly in conflict with the constitutional inhibition upon the Legislature passing local or special laws. No provision of the Constitution is given more emphatic utterance, none of its mandates so often repeated, as that local or special legislation shall not be enacted. The Constitution expressly permits the classification of counties for the purpose of fixing the compensation of officers, and of municipalities in proportion to population for the purposes of incorporation and organization. No other classification is permitted by the Constitution, unless it is a natural one which inheres in the subject-matter of the law, and constitutes it a class by its natural individuality. The Legislature may classify for the purposes of legislation where there is some intrinsic reason why the law should operate upon some and not upon others, but it cannot legislate constitutionally by making separate provision, or imposing restrictions in the exercise of a common right upon a class of persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subject of the law. It is necessary to the validity of this natural and intrinsic classification that there be something more than a mere designation by such characteristics as will seem to classify. The reason of the classification and the necessity for exclusive legislation must be apparent. There must be a substantial distinction between the persons or things embraced within the classification and those without it. The marks of distinction must be such as in the nature of things will account for the limitation of the enactment. A special law is one referring to a select class, as well as to a particular object. A general law must be as broad as its subject. Does the bill in question meet these requirements? It very plainly does not.

What is its object? To promote moral education, to eradicate crime, to reform society by the correction of the evils to which it is subject. To accomplish this purpose it provides that whenever in any county, or city and county, the number of children attending the public schools amounts to twenty-five thousand, and whenever the number of inmates of its prisons, poor-houses, and reformatories amounts to one thousand, three of the county officers shall elect a competent person as "specialist in sociological education." It will be noted that no attempt is made to follow the classification of the counties or of municipalities established by the Legislature under the express permission of the Constitution. An arbitrary and unusual classification is attempted, and it remains to determine if it is such a natural and intrinsic one as is sanctioned by law. The object of the law, as heretofore stated, is the promotion of a truer education, the correction of crime, and the prevention of dependent poverty. It provides for the employment of a person who shall study sociological phenomena, and collect statistics which will aid in the eradication of social evils. These are all questions of interest to the whole State, and inhere in all organized society. These are all conditions which are not peculiar to the classification attempted in this bill, but extend beyond it to the remotest settlements. It is readily apparent that in congested centers of population social problems are more complex and humanity more various. For the purposes of the elevated and useful investigation and study outlined, large cities, with their resulting large child-life and the congregation in numbers of the poor, the criminal, and the abnormal, present the most fruitful and attractive fields. But there the distinction ends—it is a distinction in degree only. The need of a moral education is one common to all humanity; vice and crime and poverty exist in all parts of the State to a greater or less degree, and their correction or eradication is a question in which all are interested. The classification attempted in this bill does not seem to be a natural or intrinsic one, nor to include within its application all those interested in or affected by its subject-matter. Its classification is purely arbitrary. The social phenomena in the counties made the subject of legislation in this bill are common to all counties, and vary only in extent. The attempted classification is not such a one as marks a clear and natural distinction between the counties within its terms and those not included. It would have been equally legitimate to have extended the Act to counties, or cities and counties, where the school attendance amounted to twenty thousand, or have limited it to such as have an attendance of thirty thousand or more.* Social phenomena can be observed, and the study of sociology can be conducted to advantage, and with profit, in isolated communities, as well as in the great cities. That such studies can be prosecuted to greater advantage in the latter than in the former, is readily admitted, but in providing for official investigation of this aspect of society, where shall we draw the line? Not, surely, where this bill attempts to draw it. Admitting the purpose of the bill to be practicable, and that it will be properly executed, its ultimate result would be the reformation of society and the upbuilding of the entire State, by the elevation of its citizenship. These are not conditions peculiarly beneficial to one section of the State, but should be extended to all. If this bill outlines a practicable plan, it should be as general in its application as the purpose it seeks to accomplish. The bill itself bears upon its face this testimony. It provides for the preparation of reports by the specialist, and their distribution throughout the State. If the purpose for which this officer is to be appointed is not general, why provide for the general diffusion of the result of his labors? This Act also requires all the officers of any jail, asylum, hospital, or similar institution within this State to furnish this officer, employed by a county, with any data in their possession necessary or valuable to him in carrying out the purposes for which he was appointed. The conclusion is unavoidable that this bill provides for the appointment of an officer in certain counties or cities and counties for a purpose or object common to all counties; and for the purpose of providing for an officer in certain counties or cities and counties, the result of whose labors is to be used for the benefit of the entire State in the furtherance of a common purpose, it attempts a classification which is not provided for in the Constitution, and is not such a natural or intrinsic one as is permitted by law. It will be thus seen that this bill attempts legislation in one or more counties, with regard to an object, or to meet conditions peculiar to all counties, and no plainer illustration of a local or special Act could be given. When to this you add that provision is made for the appointment of an officer in a local political subdivision, to perform services for the general use of the entire State, the case becomes plainer. That it attempts a classification which is purely arbitrary does not change its character. Every special law classifies, unless applied to named individuals, and hence by this logic no limitation is imposed upon the power of the Legislature by the numerous constitutional provisions against special and local laws. There are other legal objections to the law which it is only necessary to mention.

This specialist is to be appointed whenever the number of inmates in certain penal reformatory or charitable institutions amount to one thousand. How is the fact to be determined? If by some arbitrary investigation or determination the inmates of such institutions are found to amount to that number, and the officer is appointed, what would follow if the number should afterwards fall below the required amount? It is dangerous to enact legislation which contains provisions which leave it indeterminate when it shall take effect, and doubtful how long and upon what condition it shall continue to apply.

Section 5 of Article XI of the Constitution provides that the Legislature shall provide by general and uniform laws for the election or appointment of certain county officers,

and such other county officers as the public convenience may require. This bill provides for the appointment of a county officer which we will presume the public convenience requires, but in making such provision ignores the established and legal classification in proportion to population, authorized by the Constitution, and provides a novel and arbitrary one, not sanctioned by law. It is further defective in that it delegates to three county officers the authority conferred upon the Legislature by the Constitution. They are to determine when the contingency exists, and are then to appoint the officer.

Another objection is the indefinite tenure of office provided for the specialist. His appointment is to continue for the same period of time that the teachers in the primary and grammar grades are now appointed. This is not sufficiently definite, and might, under our system of employing such teachers, be incapable of determination. In the several counties of this State teachers in the grades specified are employed for varying terms, and upon the happening of the contingencies provided for in this bill and the resulting election of the specialist, what would be the term of his appointment? Some of the teachers in the county might be employed for a term of eight months, some for ten, and others for a full year. As the specialist is to be appointed for the same term as the teachers (presumably all the teachers), the question would arise as to what term he was employed for, and it would be incapable of an exact answer.

The purpose sought to have been accomplished by this bill is a most worthy one. Statistics of the character therein provided for would be of the highest advantage to all students of social problems, and their proper utilization by those intrusted with the care and training of the young, the reformation of the criminal, and the support of the poor would give a practical direction to the movement for prison reform, and the placing of the poor upon a basis of self-support, and generally for better civil government. It would lead to a better understanding of the causes which underlie the evils which afflict society and burden the State, would enlighten the law-making power, and enable it to correct social ills by removing the causes which produce them. In time, provision should be made for a State officer charged with duties similar to the specialist provided for in this bill, or for the employment in the more populous counties, under a proper classification, of similar officers. The objections to the legality of this bill heretofore pointed out prevent me, however, from considering its undoubted merits, and in the form presented I must disapprove of it.

JAMES H. BUDD, Governor.

March 2, 1897.

The above message with Senate Bill No. 28 was received this 2d day of March, 1897, at four o'clock and thirty-two minutes P. M.

F. J. BRANDON, Secretary of Senate.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1897.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 7—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Also: Senate Bill No. 158—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885.

Also: Senate Bill No. 63—An Act to amend Section 5 of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities or cities and counties of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.

Also: Senate Bill No. 538—An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes.

Also: Senate Bill No. 13—An Act to amend an Act entitled "An Act to create a police relief, health, life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889, and to amend also the amendment to Section 7 of said Act, approved March 31, 1891.

JAMES H. BUDD, Governor.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 304—An Act to provide for the appointment of an auditing board to the Commissioner of Public Works, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 304, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senator Langford moved that Senator Gillette be appointed a special committee of one to amend as follows:

Amend Section 2 to read as follows: "The money appropriated under this Act shall be employed and expended in the improvement of the navigable waterways of this State in proportion to the amount of commerce now carried on and upon such waterways."

Also: Strike out of Section 3, line 6, from the words "to be done" all thereafter to the end of the section.

Also: Strike out of Section 4, lines 9 and 10, the words "as outlined and described in the said report of Commissioner of Public Works"; also, in line 15, the words "described in said report."

Also: Strike out of Section 7, line 2, the words "outlined and described in said report of the Commissioner of Public Works," and insert in lieu thereof the following: "provided for in this Act."

Also: Strike out of Section 7, line 5, the words "such plans of drainage," and insert in lieu thereof "the same."

Also: Strike out of Section 7, line 10, after the word "benefit" all thereafter to the end of the section.

Also: Strike out all of Section 8, and insert in lieu thereof the following: "Whenever the auditing board cannot procure from the owner or owners thereof, without purchase, the right of way or material needed for the construction of such work as may be necessary under the provisions of this Act, or cannot procure the consent to join or connect with any existing works, or procure land necessary for the construction and completion of any works provided for in this Act, the said auditing board may, in its own name, or in the name of the State of California, proceed to condemn the same under the provisions of title seven, part three, of the Code of Civil Procedure, and amendments thereto which are now existing or which may hereafter be made; *provided*, that all municipal corporations having levees, reclamation or protection works, shall have and retain the exclusive management and control thereof, subject to the right to connect the work as herein provided."

Also: Strike out all of Section 10 and renumber Sections 11, 12, and 13 to read 10, 11, and 12, respectively.

RECESS.

Pending the discussion of Senator Langford's motion to appoint a special committee of one to amend bill, the Senate took a recess at four o'clock and fifty minutes P. M., on motion of Senator Withington.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Withington.

Quorum present.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Langford, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 2d day of March, adopted Assembly Joint Resolution No. 31, relative to the appointment of a commission to consider the funding of the debts of government-aided railroads.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Joint Resolution No. 31 read, as follows:

ASSEMBLY JOINT RESOLUTION No. 31.

WHEREAS, In the four last sessions of Congress, the so-called Pacific Railroad refunding bills have been defeated by your honorable body, in spite of the powerful and unceasing pressure of the great railroad companies and a large portion of the press; and

WHEREAS, A new plan has lately been formulated to substitute a so-called Commission Bill for the Funding Bill, under the plea that this would be acceptable to the people of the Pacific Coast; and

WHEREAS, This is an error, for the people of the Pacific Coast consider such a commission as most dangerous to their interests and welfare, and to the interests and welfare of the people of the whole United States; and

WHEREAS, The pursuit and collection of the hundreds of millions of dollars involved should not be left to a commission of a few persons, who are entirely occupied with most important federal duties, involving the welfare of this great nation, and who have not the time for such a necessarily protracted investigation, even if Congress granted them the powers and constituted the commission a special court of law; and

WHEREAS, This would be contrary to the provisions of the Constitution of the United States, which divides the powers of the government into the executive, the legislative, and the judiciary departments; and

WHEREAS, The collection of a debt comes clearly under the judiciary department, which has all the machinery for determining equities, searching for and seizing abstracted funds, and has the time needed for a thorough and extended investigation; and

WHEREAS, No reasons can be adduced why Congress should set aside the wise provisions of the Constitution, made for the benefit of all the citizens of the nation, rich and poor alike, at the solicitation of wealthy corporations; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That for these reasons, and many others which will undoubtedly develop in a judicial examination, we, the Legislature of the State of California, respectfully pray that no action be taken by the United States Congress in regard to the debt owing by the Pacific railroads, but that the laws of the land be allowed to take their natural course.

Referred to the Committee on Federal Relations and Immigration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March passed Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bill No. 413 ordered to enrollment.

UNFINISHED BUSINESS.

Assembly Bill No. 304—An Act to provide for the appointment of an auditing board to the Commissioner of Public Works, and making an appropriation therefor.

The question pending when recess was declared being, "Shall Senator Gillette be appointed a special committee of one to amend in accordance with the motion of Senator Langford?" The same was put.

AYES AND NOES.

On the appointment of a special committee of one to amend, the ayes and noes were demanded by Senators Gillette, Aram, and Gleaves.

The roll was called, and the motion to appoint a special committee of one to amend lost by the following vote:

AYES—Senators Beard, Braunnhart, Denison, Franck, Gillette, Holloway, Jones, Langford, La Rue, Mahoney, Pedlar, Smith, and Withington—13.

NOES—Senators Androus, Aram, Bert, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Gleaves, Hall, Henderson, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—25.

Senator Pedlar moved that Senator Smith be appointed a special committee of one to amend as follows:

Strike out Section 4, printed bill, and insert the following:

SEC. 4. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of three hundred thousand dollars, to be paid to the said auditing board, and to be expended for the purposes hereinafter specified, as follows, viz.: One hundred thousand dollars in connection with improvements of the Sacramento River, its tributaries, and lands adjacent thereto, and fifty thousand dollars in the improvement, deepening, and straightening of the channel of the San Joaquin River between the landings at Hill's Ferry and Firebaughs, or in protecting overflowed lands along the San Joaquin River. For the prosecution of the work herein specified, said board are authorized to purchase dredgers and all other machinery or appliances necessary to improve said channel, promote drainage, construct embankments, and protect towns, cities, and lands from overflow. They shall employ all necessary labor, and purchase all supplies necessary to the prosecution of the work herein specified.

Motion lost.

At ten o'clock and twenty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

MOTION.

Senator Wolfe moved that further consideration of Assembly Bill No. 304 be postponed until to-morrow.

AYES AND NOES.

On the adoption of the motion, the ayes and noes were demanded by Senators Gleaves, Pedlar, and Wolfe.

The roll was called, and the motion lost by the following vote:

AYES—Senators Braunnhart, Dwyer, Langford, La Rue, Mahoney, Pedlar, Smith, Withington, and Wolfe—9.

NOES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, and Voorheis—28.

The question recurring on the final passage of bill.

The roll was called, and Assembly Bill No. 304 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Toner, Trout, Voorheis, and Wolfe—27.

NOES—Senators Beard, Braunnhart, Gillette, Holloway, Jones, Langford, La Rue, Mahoney, Pedlar, Smith, Stratton, and Withington—12.

Title read and approved.

At ten o'clock and forty minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

ANNOUNCEMENT.

Senator Bulla announced that there were present the representatives of the Board of Directors of the Trans-Mississippi and International Exposition, to be held in Omaha in June, 1898, who were anxious to

address the Senate in behalf of the State of California making an exhibit of its products, and moved that they be invited to seats beside the President, and that they be heard.

So ordered.

Messrs. Hitchcock and Poppleton, of the party, then addressed the Senate upon the advantages to accrue to California by a proper exhibit at the exposition.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 66—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws.

Also: Assembly Bill No. 694—An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations, for the purpose of making, improving, and repairing roads.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 445—An Act relating to the authorization and employment of a draftsman by Recorders in counties and cities and counties of the first class -have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the San Francisco Delegation.

GILLETTE, Chairman.

Assembly Bills Nos. 66 and 694 ordered on file for second reading.

Assembly Bill No. 445 re-referred to the San Francisco Delegation.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 233 -An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Also: Assembly Bill No. 247 -An Act making an appropriation to pay the claim of the Daily Report Publishing Co. for advertising the constitutional amendments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Assembly Bills Nos. 233 and 247 ordered on file for second reading.

ADJOURNMENT.

At eleven o'clock and four minutes P. M., on motion of Senator Bulla, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 3, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Monday, March 1, 1897, was approved.

QUESTION OF PRIVILEGE.

Senator Withington rose to a question of privilege, and stated that he had voted for the adoption of the report of the committee of free conference under a misapprehension of the facts, and asked unanimous consent to move to reconsider the vote whereby the Senate adopted said report.

Consent granted, and the Senate by unanimous vote reconsidered its action whereby said report was adopted.

The question recurring on the adoption of the report of the committee of free conference, the Senate unanimously refused to adopt the report.

RECALL OF SENATE CONCURRENT RESOLUTION No. 10.

Senator Withington moved that Senate Concurrent Resolution No. 10 be recalled from the Assembly for the purpose of reconsidering the vote whereby it was on a previous day adopted.

So ordered.

The Secretary was directed to prepare and transmit to the Assembly a message asking the return of Senate Concurrent Resolution No. 10, for the purpose above set forth.

REPORT OF COMMITTEE ON CONFERENCE.

The following report was received and read:

MR. PRESIDENT: The undersigned, the committee on conference, appointed on the part of the Senate to meet a like committee appointed by the Assembly, with reference to the disagreement between the two houses upon Assembly Bill No. 742, respectfully report that the Senate refuses to recede from the following Senate amendments:

AMENDMENT No. 2.

Amend Section 2 by striking out from line 4 the words "three hundred dollars per month," and inserting instead thereof the following: "ten dollars per day."

AMENDMENT No. 3.

Amend Section 2 by striking out from line 6 thereof the words "such traveling expenses."

AMENDMENT No. 8.

Amend Section 5 by striking out from lines 4 and 5 thereof the words "excepting the salaries of said commissioner and said secretary."

The Senate having receded from Senate Amendment No. 9, as follows:

Amend Section 6 by striking out the whole thereof, and inserting instead thereof the following: "Sec. 6. Section 6 of said Act is hereby repealed."

The committee therefore respectfully recommend that the Assembly concur in Amendments Nos. 2, 3, and 8, and renumber Section 7 Section 6.

VOORHEIS,
PRISK,
CHAPMAN,
Senate Committee.

SOWARD,
CAMINETTI,
CUTTER,
Assembly Committee.

The roll was called, and the report of the committee on conference adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Simpson, Toner, Trout, Voorheis, Withington, and Wolfe—30.

Noes—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 32—An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make or give to the Assessor a statement of his property.

Also: Senate Bill No. 50—An Act defining the different grades of cheese, and for branding the same, manufactured in the State of California.

And presented the same to the Governor on this day, at nine o'clock and forty-five minutes A. M.

JONES, Chairman

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 169—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that this committee believes it has no authority in law to allow the same; and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

The undersigned, member of the committee, desires to file a minority report, and recommend that it do pass.

HALL, of the Committee.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 437—An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bills Nos. 160 and 437 re-referred to the Committee on Finance.

At ten o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Sub-Committee on State Prisons and Prison Buildings, appointed to visit the State prisons at San Quentin and Folsom, respectfully report that they have performed that duty, and that the actual expenses incurred on the trip were as follows:

| | |
|-------------------------|---------|
| Senator Mahoney | \$12 90 |
| Senator Doty | 12 90 |
| Senator Braunhart | 12 90 |
| Senator La Rue | 12 90 |
| Senator Gleaves | 11 50 |
| Senator Holloway | 1 40 |
| Total | \$64 50 |

Therefore, be it resolved, That the State Controller is hereby directed to draw his warrant, payable out of the Contingent Fund of the Senate, for \$64 50, in favor of J. H. Mahoney, and the Treasurer is directed to pay the same.

MAHONEY, Chairman.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following resolution:

Resolved, That on Thursday morning, immediately after the report of standing committees, a special urgency file be made up, each member being permitted to place one bill thereon, this special file to be considered at the evening sessions of the Senate.

Have had the same under consideration, and report the following substitute, and recommend its adoption:

Resolved, That an urgency file be established, to be considered every evening, which file shall be made up by each Senator placing thereon some bill not adversely reported by any committee (unless for cause otherwise ordered by the Senate). The order of such bills on the file to be determined by lot by the Secretary.

WITHINGTON, Chairman.

The following amendments to the substitute resolution were offered:
By Senator Boyce:

Amend by striking out the direction to Secretary as to order of making up file, and insert in lieu thereof as follows: That the file be made by the Secretary by inserting bills in the order of the Senators' names, alphabetically reversed on the roll.

Amendment adopted.

By Senator Bert:

Amend by striking out the words "not adversely reported by any committee (unless for cause otherwise ordered by the Senate)."

Amendment adopted.

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Shippee, Voorheis, and Withington, and the report of the committee, and substitute resolution as amended, adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Feeney, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Shine, Simpson, Stratton, Toner, Trout, and Wolfe—25.

NOES—Senators Braunhart, Dwyer, Flint, Franck, Pedlar, Seawell, Shippee, Voorheis, and Withington—9.

BILL RE-REFERRED TO COMMITTEE.

Senator Boyce asked unanimous consent to have Senate Bill No. 474—An Act to amend an Act entitled "An Act to establish a tax on collateral

inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893—re-referred to the Committee on Judiciary.

Unanimous consent granted, and Senate Bill No. 474 re-referred to the Committee on Judiciary.

RESOLUTIONS.

Senator Mahoney offered the following resolution:

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of Ida I. Woodworth for the sum of \$59, as per bill rendered:

SACRAMENTO, CAL., March —, 1897.

San Francisco Delegation to Ida I. Woodworth, Dr.:

| | |
|---|---------|
| To two nights' attendance as stenographer, taking notes | \$20 00 |
| To 260 folios transcript, at 15 cents per folio | 39 00 |
| Total..... | \$59 00 |

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Boyce offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant for the sum of \$250 each in favor of Chauncey Clark, C. S. MacMullan, and George A. Leon, in payment for services rendered at the Secretary's desk during the thirty-second session of the Legislature. The same to be made payable out of the Contingent Fund of the Senate. The Treasurer is directed to pay the same.

Senator Boyce moved that the rules be suspended and the resolution submitted to vote without reference to committee.

So ordered.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Wolfe—32.
 NOES—None.

Senator Shine offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to pay the following bills, as per vouchers:

SACRAMENTO, March 1, 1897.

J. F. Blackburn, Sergeant-at-Arms of the Senate, Dr.—To Blue Cañon Water Co.:

February 4—To Blue Cañon water for the Senate from February 4th to March 4th, inclusive, 28 days @ \$3 50..... \$98 00

To Mrs. Allie McCullough:

February 25—For washing of towels for Senate and committee rooms for month of February \$12 50

To Union Ice Company:

February 23—1,400 pounds of ice @ 1 cent..... \$14 00

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 722—An Act for the acceptance of balloting or voting machines, and designating a particular machine—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

STRATTON, Chairman.

Senate Bill No. 722 ordered on file for second reading.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No 193 passed by the following vote:

AYES—Senators Beard, Braunhart, Bulla, Chapman, Denison, Doty, Gillette, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Withington—21.

NOES—Senators Boyce, Dickinson, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Shine, Toner, and Wolfe—15.

Title read and approved.

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Pedlar moved a call of the Senate, at eleven o'clock and fifteen minutes A. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Secretary then announced that Senator Langford was the only Senator absent without leave.

The President pro tem. directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentee before the bar of the Senate.

At eleven o'clock and twenty minutes A. M., Senator Langford was brought before the bar of the Senate.

On motion of Senator Dickinson, Senator Langford was excused for absence.

On motion of Senator Dickinson, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President pro tem. then announced that Senate Bill No. 490 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—22.

NOES—Senators Boyce, Braunhart, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Henderson, Langford, La Rue, Mahoney, Prisk, Seawell, Shine, Toner, and Wolfe—18.

Title read and approved.

NOTICE OF RECONSIDERATION.

Senator Bert gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 490 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California." relating to elections.

Bill passed on file.

Senate Bill No. 274—An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

At eleven o'clock and fifty-five minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

MOTION.

On motion of Senator Stratton, the time for recess was extended until the completion of the action on Senate Bill No. 274.

The roll was called, and Senate Bill No. 274 refused passage by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Denison, Franck, Langford, Morehouse, Pedlar, Prisk, Stratton, Voorheis, and Withington—14.

NOES—Senators Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shine, Shippee, Simpson, Smith, Toner, Trout, and Wolfe—25.

On motion of Senator Wolfe, Senator Flint was excused from voting on Senate Bill No. 274.

RECESS.

At twelve o'clock and fifty-six minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 372—An Act to amend Sections 739 and 769 and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

The bill having been read a third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Assembly Bill No. 372 finally passed by the following vote:

AYES—Senators Beard, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Simpson, Stratton, Trout, Withington, and Wolfe—23.

NOES—None.

Title read and approved.

Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment, and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.

Bill passed on file, but to retain its place.

Assembly Bill No. 476—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill passed on file, but to retain its place.

Assembly Bill No. 71—An Act to amend Section 4428 of the Political Code of the State of California, relating to the powers of Judges of Police Courts to call in Justices of the Peace to act in their place and stead.

Bill passed on file, but to retain its place.

Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors respecting roads.

Bill passed on file, but to retain its place.

Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act.

Bill passed on file, but to retain its place.

Assembly Bill No. 89—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895, by

amending Sections 6 and 69 thereof, relating, respectively, to the appointment of a time for the election of an assignee, and to costs in cases of involuntary insolvency.

On motion of Senator Pedlar, Assembly Bill No. 89 was refused second reading, and ordered stricken from the file.

Assembly Bill No. 769—An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments and validating records heretofore made.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 769, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 769 finally passed by the following vote:

AYES—Senators Androus, Aram, Chapman, Denison, Dickinson, Doty, Franck, Gleaves, Henderson, Jones, Langford, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Trout, and Withington—21.

NOES—Senator Holloway—1.

Title read and approved.

Assembly Bill No. 827—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 827, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The title should be amended so as to read as follows: "An Act to amend Sections 3664 and 3665 of the Political Code."

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 827 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Trout, and Withington—26.

NOES—None.

The title was amended as suggested by the Committee on Rules and Revision, and bill ordered to reprint.

Assembly Bill No. 113—An Act to repeal Section 415 of the Political Code of California, relative to the translation of the laws into Spanish, and their distribution.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 113, and have examined the same, and report that the object

cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 113 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Morehouse, Simpson, Stratton, Trout, Withington, and Wolfe—23.

NOES—None.

Title read and approved.

Assembly Bill No. 420—An Act to amend Section 581 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 420, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 420 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Henderson, Holloway, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—21.

NOES—None.

Title read and approved.

Assembly Bill No. 461—An Act to amend Section 963 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 462—An Act to amend Section 977 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 405—An Act making an appropriation for improving the Capitol buildings and grounds.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 405, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 405 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Holloway, Linder, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 843—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

Bill passed on file, but to retain its place.

SECOND READING OF BILL.

Assembly Bill No. 916—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 847—An Act to provide for the transfer from Whittier State School at Whittier of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California, and heretofore used by the California Home for the Care and Training of Feeble-Minded Children, in the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 847, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 847 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Denison, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Withington—31.

NOES—Senator Shippee—1.

Title read and approved.

Assembly Bill No. 452—An Act to repeal Sections 626*a*, 626*b*, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*h*, 626*i*, 627*a*, 627*b*, 627*c*, and 627*d*, and to amend Sections 626 and 627 of the Penal Code of the State of California, relating to game.

The bill having been finally passed on a previous day and recalled from the Assembly and amended, the question was on its final passage.

The roll was called, and Assembly Bill No. 452 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Chapman, Denison, Doty, Feeney, Franck, Gillette, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Stratton, Toner, Trout, and Withington—26.

NOES—None.

Title read and approved.

SECOND READING OF BILLS.

Assembly Bill No. 40—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

During the second reading of the bill, the following amendments were submitted by the committee:

On page 1, Section 1, line 2, after the word "premises," insert the following: "or highways adjacent thereto."

Amendment adopted.

Also: On page 1, Section 2, strike out all of this section after the word "same," in line 8, and insert the following: "The County Recorder shall receive for filing said notice the sum of fifty cents."

Amendment adopted.

Also: On page 2, Section 3, in line 20, strike out the word "provided," and also strike out all of lines 21, 22, and 23, and insert the following:

4. The sum of one dollar shall be paid to the Justice of the Peace by the party or parties making such claim, for each claim made and entered by him, as aforesaid, which shall be in full compensation for all services rendered by him in connection with each claim so made.

Amendment adopted.

Also: On page 3, Section 5, in line 3, strike out the words "compensation therefor," and insert in place the word "expenses."

Amendment adopted.

Also: On page 3, strike out all of Section 8, and substitute the following:

SEC. 8. Nothing in this Act shall affect the laws or regulations in force, or which may be in force, regarding estrays, the poundkeeper or other pound officer within the limits of any city or town where laws regarding estrays are in force.

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 157—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Bill read second time, and ordered on file for third reading.

BILLS RE-REFERRED.

Senator Simpson moved that Assembly Bill No 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes—be re-referred to the Committee on Irrigation and Water Rights, to report the same back not later than to-morrow.

So ordered.

Assembly Bill No. 730 re-referred to the Committee on Irrigation and Water Rights, but to retain its place on file.

Senator Voorheis moved that Assembly Bill No. 902 (Substitute for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year—and Assembly Bill No. 905 (Substitute for Assembly Bill No. 672)—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation,

and the creation of a fund therefor—be re-referred to the Committee on Finance, to retain their respective places on file.

So ordered.

Assembly Bills Nos. 902 and 905 re-referred to the Committee on Finance.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 679—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 341—An Act relating to rights of way across mining claims.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend Section 1, line 4, by adding after the word "claim," the following: "and adjacent land thereto."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 903—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith. (Substitute for Assembly Bill No. 650.)

Bill passed on file, but to retain its place.

Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California.

Bill passed on file, but to retain its place.

Assembly Bill No. 138—An Act entitled "An Act to amend Section 2003 of the Political Code."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 128—An Act to enable any county, city and county, city, or town to lease property to associations of ex-soldiers and sailors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 783—An Act to amend Section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways. (Substitute for Assembly Bill No. 106.)

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 18, the word "at," and inserting the following: "an."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 375—An Act to confer further powers upon the Boards of Health of the municipalities and counties in this State.

On motion of Senator Morehouse, Assembly Bill No. 375 was denied second reading, and ordered stricken from the file.

Assembly Bill No. 374—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

Senator Dickinson moved that Assembly Bill No. 374 be refused second reading.

The question being, "Shall the bill be read second time?"

AYES AND NOES.

The ayes and noes were demanded by Senators Withington, Seawell, and Pedlar.

The hour of three o'clock and thirty minutes p. m. having arrived, the further consideration of Assembly Bill No. 374 was continued until to-morrow, as unfinished business.

SPECIAL ORDERS.

Senate Bill No. 340—An Act to provide for the purchase of additional land for the Preston School of Industry, at Ione.

Bill read third time.

The following report of the Committee on Rules and Revision is received and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 340, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 340 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.

NOES—None.

Title read and approved.

WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

Senator Prisk asked unanimous consent to withdraw his notice of motion to reconsider the vote whereby Assembly Bill No. 86 was refused second reading.

Consent granted, and notice of motion to reconsider the vote whereby Assembly Bill No. 86 was refused second reading, withdrawn.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Gillette moved a reconsideration of the vote whereby Substitute for Senate Bill No. 416 was refused adoption.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Beard, Boyce, Brauhart, Doty, Dwyer, Gillette, Gleaves, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Smith, Stratton, Trout, and Withington—17.

NOES—Senators Androus, Aram, Bert, Bulla, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Hall, Henderson, Linder, Mahoney, Morehouse, Shine, Shippee, Simpson, Toner, Voorheis, and Wolfe—21.

At three o'clock and forty minutes P. M., Hon. A. J. Pedlar, State Senator from the Sixteenth Senatorial District, was called to the chair.

LEAVE OF ABSENCE.

Senator Prisk asked for and was granted a leave of absence for the afternoon.

Senator Voorheis was granted a leave of absence for this evening and to-morrow, as requested by Senator Denison.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Androus, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March passed Assembly Bill No. 438—An Act to prevent the granting of franchises or privileges for the construction, extension, or operation of railroads over or upon county roads or highways, by Boards of Supervisors of the several counties of the State of California.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 438 read first time, and referred to the Committee on Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 2d day of March passed Assembly Bill No. 204—An Act relating to the compensation of County Recorders in counties where their compensation is fees instead of salary.

Also: Assembly Bill No. 739—An Act to amend Section 199 of the Code of Civil Procedure, relative to the disqualification of jurors.

Also: Assembly Bill No. 632—An Act to provide for the organization and management of county fire insurance companies. (Substitute for Assembly Bill No. 142.)

Also: Assembly Bill No. 144—An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon State, municipal, or other public work.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 204 read first time, and referred to the Committee on County Government and Township Organization.

Assembly Bill No. 739 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 632 read first time, and referred to the Committee on Corporations.

Assembly Bill No. 144 read first time, and, on motion of Senator Bulla, ordered on file for second reading without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March amended, and passed as amended, Senate Bill No. 57—An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock and the disposition of the revenues derived therefrom.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 57.

ASSEMBLY AMENDMENT.

Strike out all of Section 4, and insert the following:

SEC. 4. The sale price of all crushed rock sold for road metal for highway purposes shall be the cost of production, with ten per centum added, delivered on board cars or other vehicles of transportation at the rock-crushing plant; *provided*, that no rock shall be sold for highway or other purposes for a less price than thirty cents per ton.

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 57?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Braunhart, Bulla, Chapman, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Withington, and Wolfe—25.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 57 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 3d day of March passed Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bill No. 519 ordered to enrollment.

At four o'clock and four minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 3d day of March amended, and passed as amended, Senate Bill No. 1—An Act to amend an Act to enable school districts in cities of the fifth class to issue bonds, and to repeal an Act to enable cities of the fifth class to issue bonds for school purposes, approved March 23, 1893.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 1.

ASSEMBLY AMENDMENTS.

Amend by inserting in line 1 of Section 1, after the words and figures "Section 1," page 2 of the printed bill, the following:

"Section 1 of an Act entitled 'An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled an Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes,' approved March 23, 1893, is hereby amended to read as follows."

Also: Amend by striking out the word "this" in line 1, Section 3, of the printed bill, and inserting in lieu thereof the word "said."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 1?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Denison, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—24.
NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 1 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 3d day of March passed Assembly Bill No. 727—An Act entitled an Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 727 read first time, and referred to the Committee on Agriculture, Horticulture, Viniculture, and Viticulture.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 2d day of March passed Assembly Bill No. 327—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs, by transportation companies in the State of California, and fixing a penalty for failure to comply thereto.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 327 read first time, and referred to the Committee on Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 2d day of March amended, and passed as amended, Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL NO. 33.

ASSEMBLY AMENDMENT.

In Section 13, line 6, insert the word "and" after the word "action."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 33?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Chapman, Doty, Flint, Franck, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shine, Simpson, Stratton, Withington, and Wolfe—21.
NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 33 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 2d day of March adopted Senate Concurrent Resolution No. 10, relative to abrogation of Joint Rules XL, XLVIII, and XLIX.

S. J. DUCKWORTH, Chief Clerk.

Senate Concurrent Resolution No. 10 ordered on file.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Withington moved a reconsideration of the vote whereby Senate Concurrent Resolution No. 10 was adopted.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shippee, Simpson, Stratton, Withington, and Wolfe—24.

NOES—None.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Joint Resolution No. 31, with reference to the appointment by Congress of a commission to consider the funding of the debts of Government-aided railroads—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Assembly Joint Resolution No. 31 ordered on twelve-day file.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of State for the sum of sixty-five (\$65) dollars, payable out of the Contingent Fund of the Senate, to pay for the expense attached to the procuring of a picture of ex-Lieutenant-Governor Spencer G. Millard, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Shine, Shippee, Simpson, Smith, Stratton, Withington, and Wolfe—25.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred an account of H. C. Megerle for rubber stamps, by order of the Secretary of the Senate, in the sum of \$27 50, and owing to the statement not showing all items and charges, your committee was misled in considering the charges and made a reduction of \$11 by former report. The said account has been reconsidered by your committee, and the further sum of \$8 allowed. We therefore respectfully recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of H. C. Megerle in the sum of \$8, to be paid out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shippee, Simpson, Smith, Stratton, Withington, and Wolfe—25.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 224—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Assembly Bill No. 224 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 132—An Act to amend section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Also: Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof.

Also: Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

Also: Senate Bill No. 539—An Act relinquishing to the United States of America the title of this State to certain lands.

And presented the same to the Governor on this day, at twelve o'clock and ten minutes P. M.

JONES, Chairman.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT.

The following constitutional amendment was introduced, and referred to committee, as indicated:

By Senator Morehouse: Senate Constitutional Amendment No. 42—Proposing to the people of the State of California an amendment to Article XI of the Constitution, by adding thereto a new section, to be numbered and known as Section 12a.

Referred to the Committee on Constitutional Amendments.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Senator Bulla, the Senate took a recess until seven o'clock and thirty minutes P. M.

RECONVENED.

At seven o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Mahoney, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington.

Quorum present.

LEAVE OF ABSENCE.

Senator Denison was granted a leave of absence for the evening, as requested by Senator Stratton.

GENERAL FILE—SECOND READING OF BILLS.

On motion of Senator Simpson, the second reading of Senate bills was taken up.

Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 522—An Act to amend an Act entitled "An Act to create an exempt firemen's relief fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen," approved March 26, 1895.

Senator Doty asked unanimous consent to withdraw Senate Bill No. 522 and substitute therefor on file Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

Consent granted.

Senate Bill No. 522 withdrawn, ordered stricken from the file, and Senate Bill No. 513 substituted therefor on file.

Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend Section 4 by striking out all after the word "best," in line 7, printed bill.

Amendment adopted.

Also: Amend title by striking out the words "and appropriating money therefor."

Amendment adopted.

Also: Amend by striking out all of Section 5.

Amendment adopted.

Also: Amend by striking out all of Section 8 of printed bill.

Amendment adopted.

Also: Renumber Section 6, Section 5; renumber Section 7, Section 6; renumber Section 9, Section 7.

Amendment adopted.

By Senator Holloway:

Amend by striking out the words "the" and "State Prison," on line 3 of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 12—An Act to prescribe conditions upon which certain insurance associations, known as Lloyds, may be admitted to transact insurance business in this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 495—An Act to amend Section 622 of the Political Code of the State of California, relating to the retaliatory clause concerning insurance companies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 498—An Act to provide for the investigation of fires by the insurance department, and to make provisions for the expenses of the same.

Bill passed on file, but to retain its place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 33 of Article IV thereof, relative to the regulation and limitation of the charges for services performed and commodities furnished by telegraph, gas, telephone, and electric light, heat, and power corporations, and the charges by corporations or individuals for storage and wharfage in which there is a public use—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding to Article XX thereof a new section, to be known as Section 21, relating to dividing the State into fish and game districts—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, relative to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute be adopted. Senate Constitutional Amendment No. 27—Proposing an amendment to Section 9, Article I, relating to declaration of rights.

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution, relative to sessions of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

BERT, Chairman.

Senate Constitutional Amendments Nos. 18, 20, 27, 29, and 41 ordered on twelve-day file.

WITHDRAWAL OF BILL.

Senator Bert asked unanimous consent to withdraw Senate Bill No. 391—An Act to prohibit the keeping, maintaining, and employing the device known as "nickel-in-the-slot machine," or other similar device or devices for the hazarding of any money, or for the disposal of, or promise to dispose of, any liquor, cigars, or other commodities, or any valuable article or thing of whatsoever nature.

Consent granted.

Senate Bill No. 391 withdrawn, and ordered stricken from the file.

On motion of Senator Linder, Senate Constitutional Amendment No. 16 was withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by substituting the following therefor:

SUBSTITUTE FOR SENATE BILL No. 166.

An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of the above entitled Act, approved March nineteenth, eighteen hundred and ninety-one, is amended to read as follows:

An Act to provide for the organization of corporations to transact the business of life, health, and accident insurance on the assessment plan, and the conduct of the business of such insurance.

SEC. 2. Section two of said Act is amended to read as follows:

Section 2. Corporations may hereafter be formed in the manner provided by the provisions of the Civil Code of this State, to carry on the business of life, health, and accident insurance upon the assessment plan, and shall be subject only to the provisions of this Act. No such corporation shall issue contracts of membership until at least two hundred (200) persons have in good faith applied in writing for membership and insurance therein, and in case of life associations each applicant has been examined by a reputable physician, who has certified that such applicant is a fit subject for life insurance, and such applicants have paid pro rata to the treasurer of such association, in cash, the sum of five thousand dollars (\$5,000). This sum shall be invested in bonds or securities approved by the Insurance Commissioner of this State, or deposited in some bank where it will earn interest. Said bonds or securities, or evidence of such deposit, shall be placed, through the Insurance Commissioner of this State, with the State Treasurer, and the principal sum shall be held in trust for the members of such association, with the right in the corporation to exchange such bonds, securities, or evidence of bank deposits for others of like value.

All investments made by such corporation must be in securities as provided for in Section four hundred and twenty seven of the Civil Code. No corporation hereafter incorporated under the provisions of this Act shall have the power to issue any valid contract promising to pay any money or benefit to any member or beneficiary named by such member, only in the event of the death of said member, or in the event of physical disability caused by accident or sickness. The money, or other benefit to be paid by such corporation to the beneficiaries named in the certificate of membership, is to be derived from membership fees, fines, dues, or assessments, collected or to be collected from members of such association, and every call for assessments by the members shall distinctly state the purpose of the same, and whether any part thereof shall or may be used for expenses, and if so, how much.

The members and officers of any association hereafter organized under the provisions of this Act shall have all the rights and powers, and be subject to all the obligations that apply to and govern stockholders and officers as provided for under the Constitution and general laws of this State.

Such corporation shall also, as a condition precedent to issuing any certificates of membership and insurance, obtain the written certificate of the Insurance Commissioner that it has complied with the requirements of this Act.

The application for such certificate must be made by the directors of the corporation under oath, and must show that the preliminary provisions of this Act have been fully complied with.

The Insurance Commissioner shall issue no certificate authorizing any corporation to transact business if the name of such corporation is the same as that of any other corporation of this or any other State, as indicated by the insurance department reports in his office; nor shall the commissioner approve any name or title so closely resembling another as to mislead the public.

No corporation formed hereunder shall have legal existence after one year from date of its articles unless its organization has been completed and business commenced; nor shall associations or individuals solicit, or cause to be solicited, any business until such corporation shall have complied with the provisions of section six hundred and thirty-three of the Political Code of this State.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, in so far as any corporation hereafter to be formed is concerned, but it is provided that such repeal and nothing herein contained shall be deemed in any manner to affect or apply to any existing corporation.

SEC. 4. This Act shall take effect July first, eighteen hundred and ninety-seven.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by substituting the following therefor:

SUBSTITUTE FOR SENATE BILL No. 501.

An Act to amend Section 427 of the Civil Code, in relation to insurance.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and twenty seven of the Civil Code is amended to read as follows:

It shall be lawful for any company organized under the general laws of this State for the transaction of the business of any kind of insurance, and on any plan, to invest their capital and accumulations in the following named securities:

1. In loans to their policy-holders, in an amount not to exceed the reserve or net value of any contract issued by such corporation, computed on a four (4) per cent interest basis, in accordance with the actuary's or combined experience table of mortality.

2. In loans upon unincumbered real property, worth at least one hundred per cent, more than the amount loaned, or upon merchandise or cereals in warehouse; but in no instance shall such loan be made in excess of seventy-five per cent of the security taken.

3. In the purchase of or loans upon interest-bearing bonds of the United States, and of any State, county, incorporated town or city, or city and county, or school district in the United States, which has never been in default for interest.

4. After the investment of two hundred thousand dollars in the manner provided in subdivisions one, two, and three, in the purchase of or loans upon stocks or interest-bearing bonds of any corporation (except mining corporations) organized and carrying on business under the laws of any State of the United States, worth not less than sixty per cent of the face value.

5. Corporations engaged in the business of insuring titles to real estate may, after the investment of one hundred thousand dollars in the manner provided for in subdivisions two, three, and four of this section, invest an amount not exceeding fifty per cent of their subscribed capital stock in the preparation or purchase of the materials or plant necessary to enable them to engage in such business, and such materials or plant shall be deemed an asset, valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the conditions of such corporations.

6. No investment in the securities named in subdivisions three and four must be made in an amount exceeding the market value of such securities at the date of such investment.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 165—An Act relating to the securities in which corporations organized under the laws of this State to transact the business of life insurance may invest their assets.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 165 and substitute therefor on file Senate Bill No. 428.

Consent granted.

Senate Bill No. 165 withdrawn, ordered stricken from the file, and Senate Bill No. 428 substituted therefor on file.

Senate Bill No. 428—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1810, relating to the filing of accounts of guardians after their death.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out in line 2, Section 1, page 1, of printed bill, the words "next after section eighteen hundred and nine."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 499—An Act to prescribe the duty of the Attorney-General and Insurance Commissioner in regard to the admission of insurance corporations, associations, or individuals to do business in this State.

During the second reading of the bill, the following amendment was submitted by the committee:

In Section 2, line 2, after the word "commissioner," add thereto "within three days after receipt by him of said papers from said commissioner."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

At eight o'clock and thirty-five minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Senate Bill No. 601—An Act to amend Section 1238 of the Penal Code, relating to appeals by the people.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 309—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and material furnished under a contract with Guy H. Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street law of this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 469—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 460—An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 591—An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION.

Senator Bulla moved that Assembly Bill No. 187—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School at Los Angeles, California—finally passed on a previous day, be recalled from the Assembly.

So ordered.

The Secretary was directed to prepare and transmit to the Assembly a message asking the return of Assembly Bill No. 187.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 248—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 375—An Act to amend Section 3446 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the formation of reclamation districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 376—An Act to amend Section 5 of an Act entitled "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 447—An Act to provide for the payment of swamp and overflowed land funds into the treasury of the counties in which said swamp and overflowed lands are situated.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 860—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Also: Assembly Bill No. 510—An Act to improve Salt River, Humboldt County, from the junction thereof with Eel River to Port Kenyon, by removing therefrom bars and other obstructions to navigation, and to appropriate the sum of \$10,000 for that purpose.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Assembly Bills Nos. 510 and 860 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 431—An Act to amend Section 3641 of the Political Code, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Also: Assembly Bill No. 432—An Act to add a new section to the Political Code, to be known as Section 3609 thereof, relating to the general revenue of this State, and to property liable to taxation for the purpose of revenue.

Also: Assembly Bill No. 433—An Act to amend Section 3608 of the Political Code of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 474—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Assembly Bills Nos. 431, 432, and 433, and Senate Bill No. 474, ordered or file for second reading.

MOTION.

At eight o'clock and fifty-five minutes P. M., Senator Smith moved to adjourn.

AYES AND NOES.

On the adoption of the motion of Senator Smith, the ayes and noes were demanded by Senators Withington, Smith, and Dwyer.

The roll was called, and the motion lost by the following vote:

AYES—Senators Dwyer, Feeney, Flint, Gillette, Linder, Luchsinger, Prisk, Seawell, Simpson, and Wolfe—10.

NOES—Senators Aram, Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Franck, Hall, Henderson, Holloway, Jones, Langford, La Rue, Morehouse, Prisk, Stratton, Toner, and Trout—19.

MOTION.

Senator Braunhart moved that the Senate take up the consideration of Senate bills on third-reading file.

So ordered.

ADJOURNMENT.

At nine o'clock P. M., on motion of Senator Flint, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 4, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 2, 1897, was approved.

MOTION.

On motion of Senator Bulla, Substitute for Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, relative to revenue and taxation—was ordered printed.

GENERAL FILE—THIRD-READING OF BILLS.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file, but to retain its place.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Bill passed on file, but to retain its place.

Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Bill passed on file.

Substitute for Senate Bill No. 169—An Act to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

On motion of Senator Aram, Senator Gillette was appointed a special committee of one to amend bill as follows:

Strike out of Section 1, printed bill, all after the word "with," on line 17, and insert the following: "a brake capable of bringing such car to a stop within a reasonable distance."

Also: On lines 8 and 9, of said Section 1, strike out the words "and attached to such dummy and car," and insert the words "or attached to the truck of such dummy or car."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 169, with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874,

relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

Bill passed on file, but to retain its place.

Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin, to connect with a road called "Tioga Road," at or near the Tioga Mine.

Bill read third time.

On motion of Senator Linder, Senator Gillette was appointed a special committee of one to amend bill as follows:

Amend by inserting after the word "highways," in line 3 of Section 2, the words "or any other suitable department, at the option of the Governor."

Also: Amend by inserting after the word "highways," in line 1, Section 3, the words "or such other department so designated."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 542, with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 437—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto, approved March 19, 1889, March 5, 1895, and March 26, 1895.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 437 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Dwyer, Franck, Gillette, Gleaves, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—26.

NOES—Senators Denison, Dickinson, Henderson, Holloway, and Pedlar—5.

Title read and approved.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Bert moved a reconsideration of the vote whereby Senate Bill No. 490 was passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Hall, Henderson, Langford, La Rue, Linder, Mahoney, Morehouse, Prisk, Seawell, Shine, Toner, and Trout—24.

NOES—Senators Bulla, Gleaves, Holloway, Shippee, Simpson, Smith, Stratton, and Withington—8.

Senate Bill No. 490—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

The roll was called, and Senate Bill No. 490 refused passage by the following vote:

AYES—Senators Beard, Bulla, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, and Withington—17.

NOES—Senators Androus, Aram, Bert, Braunhart, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Henderson, Langford, La Rue, Mahoney, Prisk, Seawell, Shine, Toner, and Wolfe—20.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 3, 1897.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 122—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663½, respectively, providing for the setting aside of a judgment of a Superior Court, and the rendition of a new judgment without a new trial.

Also: Senate Bill No. 369—An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances.

Also: Senate Bill No. 189—An Act to amend Sections 566 and 641 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.

JAMES H. BUDD, Governor.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill passed on file, but to retain its place.

Senate Bill No. 365—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 365, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 365 passed by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Henderson, Langford, La Rue, Linder, Luchsinger, Prisk, Shine, Shippee, Simpson, Stratton, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Senate Bill No. 506—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds.

Bill passed on file, but to retain its place.

Senate Bill No. 39—An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of products of the State of California at the Trans-Mississippi Exposition, to be held in Omaha in 1898, and to provide

for a commission and its expenses, a secretary of such commission, and the compensation of the secretary thereof.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Bulla moved a call of the Senate, at eleven o'clock and thirty-three minutes A. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe.

The Secretary then announced that Senators Boyce, Pedlar, and Smith were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At eleven o'clock and thirty-six minutes A. M., Senator Smith was brought before the bar of the Senate.

On motion of Senator Braunhart, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that Senate Bill No. 39 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Withington, and Wolfe—26.

NOES—Senators Braunhart, Doty, Gillette, Holloway, Luchsinger, Seawell, Smith, Stratton, Toner, and Trout—10.

Title read and approved.

NOTICE OF RECONSIDERATION.

Senator Mahoney gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 39 was this day passed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, March 3, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Assembly Bill No. 876—An Act to regulate the business of commission merchants, agents, factors, or brokers, dealing in farm produce, grain, fruit, seeds, honey, or dairy products—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SHIPPEE, Chairman.

Assembly Bill No. 876 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of Ida I. Woodworth for the sum of \$59, as per bill rendered:

SACRAMENTO, CAL., March 1, 1897.

San Francisco Delegation to Ida I. Woodworth, Dr.:

| | |
|--|---------------|
| To two nights' attendance as stenographer, taking notes..... | \$20 00 |
| To 260 folios transcript, at 15 cents per folio | 39 00 |
| | <hr/> \$59 00 |

Have had the same under consideration, and respectfully report the same back. We find that the stenographer was engaged at the two very important meetings of the San Francisco Delegation when the Mayor of San Francisco was heard in regard to important bills; and also when the Braunhart street-car fare bill was under consideration and a number of street-car employés were examined. We therefore recommend that the resolution be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Hall, Holloway, Langford, Linder, Morehouse, Prisk, Shine, Shippee, Simpson, Smith, Toner, and Trout—21.

NOES—Senators Gillette and Gleaves—2.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following account:

SACRAMENTO, March 1, 1897.

L. F. Blackburn, Sergeant-at-Arms of the Senate, Dr.—To Blue Cañon Water Co.:

| | |
|--|---------|
| February 4—To Blue Cañon water for the Senate from February 4th
to March 4th, inclusive, 28 days @ \$3 50 | \$98 00 |
|--|---------|

To Mrs. Allie McCullough:

| | |
|--|-------|
| February 25—For washing of towels for Senate and committee rooms
for month of February..... | 12 50 |
|--|-------|

To Union Ice Company:

| | |
|--|-------|
| February 28—To 1,400 pounds of ice @ 1 cent..... | 14 00 |
|--|-------|

| | |
|-------------|----------------|
| Total | <hr/> \$124 00 |
|-------------|----------------|

Have had the same under consideration, and respectfully report the same back, and recommend that it be allowed, and the further adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of L. F. Blackburn, Sergeant-at-Arms of the Senate, in the sum of \$124 50, to be paid out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Hall, Holloway, Langford, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—22.

NOES—None.

LEAVE OF ABSENCE.

Senator Dwyer asked for and was granted a leave of absence for the afternoon.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 3d day of March, passed Assembly Bill No. 765—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Also: Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body, of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Also: Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold-storage system for said asylum; to appropriate money therefor and provide for the expenditure of the same.

Also: Amended, and passed as amended, Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 765 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Senate Bills Nos. 441 and 118 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 364.

ASSEMBLY AMENDMENT.

Amend Section 1 by inserting after the word "sister," at the end of line 20, the following: "and niece or nephew, when a resident of this State."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 364?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Chapman, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Langford, La Rue, Linder, Luschinger, Mahoney, Prisk, Shine, Shippee, Toner, Trout, Withington, and Wolfe—25.

NOES—Senators Bulla, Denison, Holloway, Jones, Pedlar, Simpson, Smith, and Stratton—8.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 364 ordered to enrollment.

COMMUNICATION—(OUT OF ORDER).

The following communication and resolution were presented by the President, and ordered printed in the Journal:

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS, }
SAN FRANCISCO, March 1, 1897. }

To Honorable WILLIAM T. JETER, Lieutenant-Governor of the State of California:

DEAR SIR: Your attention is hereby respectfully called to Resolution No. 15,914 (Third Series), adopted by the Board of Supervisors of the City and County of San Francisco, at a meeting held February 16, 1897:

WHEREAS, An honest debt is never nor can ever be outlawed among honorable men nor fail of due recognition on the part of such;

Resolved, That it is the sentiment of this board that the pioneer, gratuitous, and eminently patriotic services of Professor J. C. Pelton in the cause of popular education in this city and State entitle him to the grateful consideration of the people of California; and further, in a practical way, to such generous legislation on the part of the Legislature now convened at Sacramento as shall by it be deemed just to him and creditable to the State of California; and further

Resolved, That the Legislature of California, now convened, be most respectfully yet most earnestly requested to make the matter hereof a consideration of urgent necessity and earliest possible action; and further

Resolved, That the Clerk of this board furnish copies in due form of the foregoing resolutions to the President of the Senate, the Speaker of the Assembly, and the Chair-

man of the San Francisco Delegation, requesting in behalf of this board that they give the subject-matter hereof their earnest attention and hearty support.

And the Clerk is hereby directed to advertise this resolution as required by law.

In Board of Supervisors, San Francisco, February 15, 1897.

Adopted by the following vote:

AYES—Supervisors Devany, Haskins, Delany, Sheehan, Dodge, Lackmann, Rottanzi, Morton, Britt, Smith, Clinton, Rivers.

JOHN A. RUSSELL, Clerk.

This resolution is transmitted with the request that it be presented and read in the Senate, before which body a bill is pending for the relief of Professor John C. Pelton.

JOHN A. RUSSELL, Clerk.

RESOLUTION—(OUT OF ORDER).

Senator Pedlar offered the following resolution:

WHEREAS, The supply of Senate Bill No. 422 as it passed the Senate has been exhausted; and

WHEREAS, The Bill Clerk informs me that only a small number of said copies ever reached the Senate; be it

Resolved, That an additional five hundred copies be ordered printed at once.

Resolution adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 618—An Act to provide, establish, maintain, and locate in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California and heretofore used by the "California Home for the Care and Training of Feeble-Minded Children," near the town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor.

Senator Franck asked unanimous consent to withdraw Senate Bill No. 618 and substitute therefor on file Senate Bill No. 164—An Act to amend Section 634 of the Political Code, in relation to insurance, approved April, 1878.

Consent granted.

Senate Bill No. 618 withdrawn, ordered stricken from the file, and Senate Bill No. 164 substituted therefor, and passed on file temporarily.

Senate Bill No. 586—An Act to amend Sections 364 and 680 of the Political Code, and to add a new section thereto, to be known as Section 686 of the Political Code, all relating to the State Board of Examiners.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 586, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 586 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shippee, Simpson, Smith, Toner, Trout, Withington, and Wolfe—32.

NOES—None.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Doty offered the following resolution, and moved its adoption:

WHEREAS, The Daily Examiner of San Francisco, in its issue of February 27, 1897, published an article reflecting upon the honor and integrity of members of the Legislature of this State; and

WHEREAS, A committee has been heretofore appointed by this Senate for the purpose of investigating such charges; and

WHEREAS, The object of the Senate in the appointment of such committee was to enable the Examiner to fully present in its own manner all evidence relating to said charges, in order that the truth or falsity might be determined; now, therefore, be it

Resolved, That the said committee so appointed be and they are hereby instructed and directed to permit the Examiner to appear before it and participate in its proceedings by counsel of its selection, and that all subpoenas required or requested by said Examiner for witnesses be granted, both for persons and papers, and that said Examiner be permitted to prosecute such charges in such manner as its counsel may determine, both as to the manner and order of proof, and in the witnesses required.

Senator Androus offered the following substitute for the resolution offered by Senator Doty:

WHEREAS, Many of the witnesses required in the investigation of the charges heretofore published by the San Francisco Examiner are non-resident of and absent from the County of Sacramento, and that on account of the short period of time remaining of the present session it will be impossible to secure their attendance, and it is essential that if any investigation be held that the same should be full and exhaustive: therefore, be it

Resolved, That the committee heretofore appointed for the investigation of such charges be recalled and discharged, and that the grand jury of the County of Sacramento be requested to institute a full inquiry into all matters concerned in said charges.

Substitute lost.

On motion of Senator Withington, the hour of recess was continued until the resolution should be disposed of.

Senator Smith moved that both the resolution and substitute be laid on the table.

Motion lost.

Senator Simpson offered the following amendment to the resolution:

Strike out the words "in such manner as its counsel may determine, both as to the manner and order of proof, and in the witnesses required."

Amendment adopted.

The question recurring on the adoption of the resolution as amended, it was put, and the resolution lost.

RECESS.

At twelve o'clock and fifty-six minutes p. m., the President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Brauhart, Bulla, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Pedlar, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

REPORT OF STANDING COMMITTEE— (OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 63—An Act to amend an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BOYCE, Chairman.

Assembly Bill No. 63 ordered on file for second reading.

LEAVE OF ABSENCE.

Senators Aram, Dickinson, and Seawell were granted a leave of absence for the remainder of the day, as requested by Senator Dickinson.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment; and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 45, have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

The title should be amended by striking out the following: "to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act."

SEAWELL, for the Committee.

The roll was called, and Assembly Bill No. 45 passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Prisk, Seawell, Shine, Stratton, Toner, Trout, Withington, and Wolfe—24.

NOES—Senator Holloway—1.

Senator Withington moved to amend the title as suggested by the Committee on Rules and Revision.

Amendment adopted.

Bill ordered to reprint.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 4, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 128—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates, or homestead or community property, on owner's death, in certain cases.

Also: Senate Bill No. 129—An Act to amend Section 164 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

Also: Senate Bill No. 32—An Act to amend Section 3633 of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make or give to the Assessor a statement of his property.

Also: Senate Bill No. 132—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

JAMES H. BUDD, Governor.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 476—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 476, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 476 finally passed by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—24.

NOES—None.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Bulla, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns to you Assembly Bill No. 187—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School at Los Angeles, California—as per your request.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 187 ordered on file without reference to committee, on motion of Senator Bulla.

BILL RE-REFERRED.

Senator Simpson asked unanimous consent to have Assembly Bill No. 623—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks and the sale of goods bearing counterfeited trademarks, and other infringements of the rights of trademarks—re-referred to the Committee on Judiciary.

Consent granted.

Assembly Bill No. 623 re-referred to the Committee on Judiciary.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 71—An Act to amend Section 4428 of the Political Code of the State of California, relating to the powers of Judges of Police Courts to call in Justices of the Peace to act in their place and stead.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 71, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 71 finally passed by the following vote:

AYES—Senators Androus, Beard, Brauhart, Bulla, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Morehouse, Prisk, Shine, Shippee, Toner, Trout, and Withington—25.

NOES—Senators Simpson, Stratton, and Wolfe—3.

Title read and approved.

UNFINISHED BUSINESS.

Assembly Bill No. 374—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

Motion to refuse second reading pending.

The question being, "Shall the bill be read second time?"

AYES AND NOES.

The ayes and noes having been demanded by Senators Withington, Seawell, and Pedlar.

The roll was called, and Assembly Bill No. 374 ordered to second reading by the following vote:

AYES—Senators Androus, Beard, Brauhart, Bulla, Feeney, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Simpson, Smith, Stratton, Toner, Trout, and Withington—19.

NOES—Senators Denison, Doty, Flint, Franck, Hall, Luchsinger, Morehouse, Shine, Shippee, and Wolfe—10.

Bill read second time, and ordered on file for third reading.

STATEMENT.

The following statement was ordered printed in the Journal:

Senator Stratton desired to have entered in the Journal a statement to the effect that he voted inadvertently in favor of Senate Bill No. 437, and intended to have voted "no" on the passage of the measure.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,)
SACRAMENTO, March 4, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 50—An Act defining the different grades of cheese, and for branding the same, manufactured in the State of California.

Also: Senate Bill No. 53—An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.

JAMES H. BUDD, Governor.

LEAVE OF ABSENCE.

Senator Gillette asked for and was granted a leave of absence for the remainder of the day.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 445—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto two sections, to be numbered 288 and 289, to punish the crimes of open and notorious cohabitation and adultery.

The bill having been passed on file temporarily, it was taken up and read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 445, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee."

The roll was called, and Senate Bill No. 445 passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Toner, Trout, and Withington—27.

NOES—None.

Title read and approved.

Senate Bill No. 536—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 536, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 536 passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Chapman, Denison, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shippee, Simpson, Smith, Toner, Withington, and Wolfe—24.
NOES—None.

Title read and approved.

Senate Bill No. 180—An Act to amend “An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.” approved March 9, 1893.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 180, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 180 passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Prisk, Shine, Shippee, Smith, Toner, Trout, and Withington—24.
NOES—None.

Title read and approved.

Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Bill passed on file, but to retain its place.

Senate Bill No. 560—An Act to amend an Act entitled “An Act supplementary to an Act entitled ‘An Act concerning crimes and punishments,’ ” passed April 16, 1850, approved March 20, 1872.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 560, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Senator Prisk asked unanimous consent to have Senate Bill No. 560 passed on file, to retain its place.

Consent granted.

Senate Bill No. 560 passed on file, but to retain its place.

RECALL OF BILL.

Senator Flint moved that Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled “An Act to provide a system of street-improvement bonds to represent assessments for the cost of street work

and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893—finally passed on a previous day, be recalled from the Assembly for the purpose of correction.

So ordered.

The Secretary was directed to prepare and transmit to the Assembly a message asking return of Assembly Bill No. 22, for the purpose above set forth.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ATTACHES, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Attaches, Contingent Expenses, and Mileage, to whom was referred the following report and resolution:

SENATE CHAMBER, SACRAMENTO, March 2, 1897.

MR. PRESIDENT: Your Sub-Committee on State Prisons and Prison Buildings, appointed to visit the State prisons at San Quentin and Folsom, respectfully report that they have performed that duty, and that the actual expenses incurred on the trip were as follows:

| | |
|------------------------|---------|
| Senator Mahoney | \$12 90 |
| Senator Doty | 12 90 |
| Senator Brauhart | 12 90 |
| Senator La Rue | 12 90 |
| Senator Gleaves | 11 50 |
| Senator Holloway | 1 40 |
| | <hr/> |
| | \$64 50 |

Therefore, be it resolved, That the State Controller is hereby directed to draw his warrant, payable out of the Contingent Fund of the Senate, for \$64 50, in favor of J. H. Mahoney, and the Treasurer is directed to pay the same.

MAHONEY, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Toner, Trout, and Withington—28.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads.

Also: Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

And presented the same to the Governor on this day, at ten o'clock and twenty-five minutes A. M.

JONES, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 561—An Act to amend Section 605 of the Penal Code of the State of California, relating to the removing, defacing, or altering landmarks.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 561, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 561 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 612—An Act to amend Section 7 of "An Act authorizing corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 612, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 612 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Senate Bill No. 134—An Act to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 134, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 134 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Concurrent Resolution No. 5—A concurrent resolution relating to the National Educational Association.

During the reading of Senate Concurrent Resolution No. 5, the following amendment was submitted by the committee:

Strike out the following :

Resolved, That should some city in this State be selected for holding said meeting, the State Printer is hereby authorized and directed to print the programmes, circulars of importance, and such other matter as may be deemed necessary by the State Board of Education to the success of the proposed meeting and the educational interests of the State in that connection; *provided*, that the expenses of said printing shall not exceed one thousand dollars.

Amendment adopted.

Senate Concurrent Resolution No. 5 ordered to print.

Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State, to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Bill passed on file, but to retain its place.

Senate Bill No. 449—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal incorporations of the sixth class, approved March 27, 1885.

Bill passed on file, but to retain its place.

Senate Bill No. 574—An Act amending Section 534 of the Political Code.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 574, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Androus, Senator Franck was appointed a special committee of one to amend bill as follows:

Amend by adding in the title, after the word "Code," the words "relating to Superintendent of State Printing."

Also: By amending Section 1, line 2, by striking out after the word "Code," "shall be," and inserting in lieu thereof the words "is hereby."

Also: By amending Section 1, line 5, by inserting before the word "receive," the words "be a civil executive officer and who shall."

Also: By adding to the bill the following:

SEC. 2. Said salaries shall be paid at the same time and in the same manner as the salaries of other State officers are paid.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 574, with instructions to amend, respectfully reports the same back, amended as per instructions.

FRANCK, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

Senator Bert offered the following resolution:

Resolved, That the State Controller is directed to draw a warrant in favor of Lieutenant-Governor W. T. Jeter for \$25 for stationery, etc., the same to be paid out of the Contingent Fund of Senate, and the Treasurer is authorized to pay same.

Senator Bert moved that the rules be suspended and the resolution acted upon without reference to committee.

So ordered.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleave, Henderson, Holloway, Jones, La Rue, Luch-singer, Morehouse, Pedlar, Frisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—29.

NOES—None.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Assembly Bill No. 538—An Act to amend Sections 2569, 2570, 2571, and 2572 of the Political Code of the State of California, and to add six new sections thereto, to be numbered 2573, 2574, 2574a, 2574b, 2574c, and 2574d, relating to the Board of Harbor Commissioners for the Port of Eureka, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GLEAVES, Chairman.

Assembly Bill No. 538 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Concurrent Resolution No. 9—Relating to recalling Assembly Bill No. 419 and Assembly Bill No. 76—and presented the same to the Governor on this day, at three o'clock and five minutes P. M.

Also: Senate Bill No. 57—An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock and the disposition of the revenues derived therefrom—and presented the same to the Governor on this day, at three o'clock and forty-five minutes P. M.

JONES, Chairman.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Morehouse, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 3d day of March, passed Assembly Bill No. 156—An Act making an appropria-

tion to pay the claim of Ernest Weyand, District Attorney of Colusa County, for moneys expended in behalf of the State of California for foreclosing State school lands in Colusa County, State of California.

Also: Assembly Bill No. 839—An Act making an appropriation to pay the claim of Marion Pirkey, for moneys advanced to the National Guard of California.

Also: Assembly Bill No. 97—An Act to amend Section 2924 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 156 and 839 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 97 read first time, and referred to the Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 4th day of March, passed Assembly Bill No. 636—An Act to provide for the preparation of an index of the Journals and Appendices of the Senate and Assembly of the State of California, and directing the Trustees of the California State Library to pay for the same out of the fund for the support of the California State Library.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 636 read first time, and referred to the Committee on Public Printing and State Library.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 4th day of March, passed Senate Bill No. 260—An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor.

Also: Amended, and passed as amended, Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the State Normal School grounds, at San José, between Fifth and Sixth streets, in said city.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bill No. 260 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 290.

ASSEMBLY AMENDMENTS.

Amend by striking out of Section 1, line 9, the word "Sixth" and inserting the following: "Seventh."

Also: Amend by striking out of line 6 the word "Sixth" and inserting the following: "Seventh."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 290?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Holloway, La Rue, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—25.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 290 ordered to enrollment.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Wolfe, the Senate took a recess until seven o'clock and thirty minutes P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Braunbart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 741—An Act to regulate the salaries of certain officers in the police department within municipalities of the first class, in the State of California, and to provide for the appointment and salaries of other officers of such departments.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 741 read first time.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wolfe asked unanimous consent to suspend the rules for the purpose of withdrawing Senate Bill No. 162—An Act to regulate the salaries of certain officers in the police department of counties, cities, and cities and counties of this State having a population of two hundred thousand or more inhabitants, and to provide for the appointment and salaries of other officers of such department—from the special urgency file and substituting therefor on file Assembly Bill No. 741—An Act to regulate the salaries of certain officers in the police department within municipalities of the first class, in the State of California, and to provide for the appointment and salaries of other officers of such department.

Consent granted.

Senate Bill No. 162 withdrawn, ordered stricken from the file, and Assembly Bill No. 741 substituted therefor on the special urgency file.

POINT OF ORDER.

Senator Withington raised the point of order that the following bills are improperly on the special urgency file, under Joint Rule XL:

Senate Bill No. 209—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Senate Bill No. 303—An Act making an appropriation to pay the sum fixed, awarded, and allowed by the State Board of Examiners, as fees for services to date, of the additional counsel employed to assist the Attorney-General in the defense of the suit brought in the United States Circuit Court for the Northern District of California by the Southern Pacific Company against the Board of Railroad Commissioners of the State of California.

Senate Bill No. 329—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific

Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant.

Assembly Bill No. 483—An Act making an appropriation to pay the claim of Modoc County against the State of California.

The President ruled the point of order well taken.

RESOLUTION—(CASES OF URGENCY).

Senator Denison offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 741, and Senate Bills Nos. 729 and 647, and Assembly Bill No. 433, and Senate Bills Nos. 652, 502, 676, 668, 425, 530, 318, 360, 336, 427, 727, 592, 401, 363, 462, 591, and 504, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—31.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 741—An Act to regulate the salaries of certain officers in the police department within municipalities of the first class, in the State of California, and to provide for the appointment and salaries of other officers of such department.

Bill read second and third times, and placed on final passage.

The roll was called, and Assembly Bill No. 741 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—35.

NOES—None.

Title read and approved.

Senate Bill No. 729—An Act to amend Section 2294 of Chapter III, Title V, of the Political Code, relating to the State Library.

Bill read second and third times.

The roll was called, and Senate Bill No. 729 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Denison, Dickinson, Flint, Franck, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Withington—23.

NOES—Senators Brauhart, Doty, Hall, La Rue, and Prisk—5.

Title read and approved.

Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend the title of said Act by striking out of line 1 of said title the words "appoint and commission," and in lieu thereof insert the word "employ"; in line 2 of said title, strike out the words "and receive"; in line 3 of said title, strike out the word "from,"

and insert in lieu thereof the word "by"; insert in line 3 of said title, after the words "United States," the word "and"; strike out all of said title after the word "such," in line 4 thereof, and insert in lieu thereof the word "services."

Amendment adopted.

Also: Strike out, beginning with the word "and," in line 1 of Section 1, down to and including the word "agents," in line 3 of said section, and insert in lieu thereof the following: "to employ two suitable persons as agents."

Amendment adopted.

Also: Strike out, beginning with the word "called," in line 6 of Section 1, down to and including the words "United States," in line 7 of said section.

Amendment adopted.

Also: Insert after the word "be," in line 9 of Section 1, the words "a commission of."

Amendment adopted.

Also: Strike out the hyphen and the word "five," after the word "twenty," in line 9 of Section 1.

Amendment adopted.

Also: Strike out the hyphen and word "five" in line 13 of Section 1, of the printed bill.

Amendment adopted.

Also: Strike out in line 2 of Section 2 the words "by said agents."

Amendment adopted.

Also: Strike out the hyphen in line 4, and the word "five" in line 5, both in Section 2.

Amendment adopted.

Also: Strike out all of Section 3, and number Section 4 of the present Act as Section 3.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 652—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.

Bill read second and third times.

The roll was called, and Senate Bill No. 652 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

At nine o'clock and thirty-five minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 433—An Act to amend Section 3608 of the Political Code of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Bill read second and third times.

The roll was called, and Assembly Bill No. 433 refused passage by the following vote:

AYES—Senators Androus, Beard, Braunhart, Doty, La Rue, Mahoney, Pedlar, Prisk, Seawell, Toner, Trout, and Wolfe—12.

NOES—Senators Aram, Bulla, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Gleaves, Jones, Langford, Linder, Luchsinger, Morehouse, Shine, Shippee, Simpson, Smith, Stratton, and Withington—20.

At ten o'clock and seven minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

NOTICES OF RECONSIDERATION.

Senator Smith gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 433 was this day refused passage.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 652 was this day passed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 892 An Act to amend an Act entitled "An Act to provide a system of drainage for agricultural swamp and overflowed lands," approved March 3, 1881, by amending Section 9 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD.
DOTY.
LUCHSINGER.
ARAM, Chairman.

Assembly Bill No. 892 ordered on file for second reading.

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred communication from Governor James H. Budd, making certain appointments, have had the same under consideration, and respectfully report the same back, and recommend that the Senate advise and consent to the appointment of the following:

January 10, 1895—Brewton A. Hayne, Alameda County, Director Deaf and Dumb and Blind Asylum, vice John W. Coleman, deceased.

October 23, 1895—John T. Harrington, Colusa, Director California Home for the Care and Training of Feeble-Minded Children, vice George W. Gibbs, term expired.

October 24, 1895—R. R. Reibenstein, Stockton, Director California Home for the Care and Training of Feeble-Minded Children, vice Charles P. Eels, term expired.

November 13, 1895—Thomas P. Woodward, San Francisco, Director California Home for the Care and Training of Feeble-Minded Children, vice Robert A. Poppe, term expired.

March 12, 1896—Frank H. Dixon, San Diego, member of the State Board of Harbor Commissioners for the Bay of San Diego, vice J. H. Barbour, term expired.

March 12, 1896—Norman H. Conklin, San Diego, member of the State Board of Harbor Commissioners for the Bay of San Diego, vice W. W. Stewart, term expired.

March 20, 1896—John E. Budd, Stockton, member of the Board of Regents of the State University, vice J. B. Reinstein, who was appointed to fill the vacancy caused by the death of George J. Ainsworth, and resigned.

March 20, 1896—Timothy G. Phelps, San Francisco, member of the Board of Regents of the State University, vice self, term expired.

March 20, 1896—J. B. Reinstein, San Francisco, member of the Board of Regents of the State University, vice Columbus Bartlett, term expired.

November 10, 1896—Alexander Vogelsang, San Francisco, member of the State Board of Fish Commissioners, vice W. C. Murdoch, resigned.

May 15, 1895—R. H. Warfield, San Francisco, Brigadier-General Second Brigade, with rank from the 15th day of May, 1895.

October 8, 1895—C. F. A. Last, Los Angeles, Brigadier-General First Brigade, with rank from the 8th day of October, 1895.

October 8, 1895—M. W. Muller, Fresno, Brigadier-General Third Brigade, with rank from November 16, 1891.

July 21, 1896—Nathaniel T. James, San Francisco, Major-General National Guard of California, vice W. H. Dimond, deceased, with rank from the 21st day of July, 1896.

April 8, 1896—James H. Wilkins, San Rafael, Director of the California State Prisons, vice R. T. Devlin, term expired.

July 16, 1896—Robert T. Devlin, Sacramento, Director of the California State Prisons, vice J. H. Neff, resigned.

March 1, 1897—Don Ray, of Sacramento County, Director of the California State Prisons, vice Edgar J. DePue, term expired.

March 1, 1897—John N. Woods, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice H. O. Southworth, term expired.

March 1, 1897—John T. Doyle, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice Arthur Thornton, term expired.

March 1, 1897—John D. McDougald, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, to succeed himself.

March 1, 1897—Archibald McDonald, of the County of Santa Clara, Director of the State Insane Asylum at Stockton, to succeed himself.

March 1, 1897—John Garber, of the County of Alameda, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice Warren C. Olney, term expired.

March 1, 1897—W. W. Foote, of the County of Alameda, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice W. C. Bartlett, term expired.

March 1, 1897—Henry Pierce, of the City and County of San Francisco, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice John K. McLean, term expired.

WOLFE, Chairman.

SPECIAL ORDER.

Senator Wolfe moved that the consideration of the report of the Committee on Executive Communications and Nominations be made a special order for Friday, March 5, 1897, immediately after approval of Journal.
So ordered.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Prisk, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 4th day of March returns to you Assembly Bill No. 22—An Act to amend section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893—as per your request.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senator Flint asked unanimous consent to move a reconsideration of the vote whereby Assembly Bill No. 22 was finally passed on a previous day.

Consent granted.

RECONSIDERATION.

Whereupon Senator Flint moved a reconsideration of the vote whereby Assembly Bill No. 22 was finally passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Toner, Trout, and Wolfe—23.

NOES—None.

On motion of Senator Flint, Senator Luchsinger was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 1, line 1, the words "said Act," and inserting in lieu thereof the following: "An Act entitled 'An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds,' approved February 27, 1893."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 22, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of the special committee of one and amendment adopted.

Bill ordered on file and to print.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 4th day of March concurred in the Senate amendments to Assembly Bill No. 14—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Also: Assembly Bill No. 454—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved March 23, 1880.

Also: Assembly Bill No. 26—An Act to amend Section 15 of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon public lands,' approved March 2, 1867," approved March 13, 1868.

Also: Assembly Bill No. 706—An Act authorizing the Clerk of the Supreme Court to furnish his office, and make an appropriation therefor.

Also: Assembly Bill No. 17—An Act fixing the minimum rate of compensation for labor on public works.

Also: Assembly Bill No. 452 (Substitute for Assembly Bill No. 38)—An Act to amend Section 626 of the Penal Code, relating to fish and game.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 4th day of March concurred in Senate Amendment No. 5, and refused to concur in Senate Amendments Nos. 1, 2, 3, 4, 6, 7, and 8, to Assembly Bill No. 372—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries—and most respectfully request your honorable body to recede from Amendments Nos. 1, 2, 3, 4, 6, 7, and 8, as aforesaid.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Senator Withington moved that the Senate do not recede from Senate Amendments Nos. 1, 2, 3, 4, 6, 7, and 8, to Assembly Bill No. 372. and that a committee on conference be appointed to act with a like committee from the Assembly.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Denison, Dickinson, Doty, Feeney, Franck, Gleaves, Jones, La Rue, Linder, Morehouse, Pedlar, Prisk, Shippee, Toner, Trout, Withington, and Wolfe—22.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 4th day of March passed Assembly Bill No. 828—An Act to provide for the appoint-

ment of a mining inspector for the State of California, to define his duties and provide for his compensation, and the liability of mining operators.

Also: Assembly Bill No. 682—An Act providing for the publication of legal or official advertising.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 682 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 828 read first time.

WITHDRAWAL AND SUBSTITUTION OF BILL ON URGENCY FILE.

Senator Prisk asked unanimous consent to withdraw Senate Bill No. 676—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties and provide for his compensation, and the liability of mining operators—and substitute therefor on urgency file Assembly Bill No. 828—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties and provide for his compensation, and the liability of mining operators.

Consent granted.

Senate Bill No. 676 withdrawn, ordered stricken from the urgency file, and Assembly Bill No. 828 substituted therefor on urgency file.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President appointed Senators Henderson, Withington, and Bulla as the committee on conference in regard to Senate Amendments Nos. 1, 2, 3, 4, 6, 7, and 8 to Assembly Bill No. 372.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 523—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 523 read first time, and referred to the Committee on Hospitals.

ADJOURNMENT.

At ten o'clock and forty-one minutes P. M., on motion of Senator Mahoney, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 5, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, March 3, 1897, was approved.

POSTPONEMENT OF SPECIAL ORDER.

On motion of Senator Simpson, the consideration of the report of the Committee on Executive Communications and Nominations, set for this morning, immediately after reading of the Journal, was temporarily postponed.

LEAVE OF ABSENCE.

Senator Wolfe was granted a leave of absence for the day, as requested by Senator Flint.

Senator Denison was granted a leave of absence for the day, as requested by Senator Stratton.

REQUESTS.

At the request of Senator Boyce, the place allotted to him on the special urgency file was left vacant, Senate Bill No. 78 having been placed there by an error.

At the request of Senator Seawell, the following statement was ordered printed in the Journal:

I was absent on committee work when Assembly Bill No. 741 was finally passed. Had I been present at the time of the passage of the bill, I should have voted "aye" thereon.

Senator Holloway asked that Assembly Bill No. 523—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally-enfeebled paralytics into said institution, to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act—be ordered withdrawn from the Committee on Hospitals.

So ordered.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Holloway asked unanimous consent to withdraw Senate Bill No. 360—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution—and substitute therefor on file Assembly Bill No. 523—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution, to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act.

Consent granted.

Senate Bill No. 360 withdrawn, ordered stricken from the file, and Assembly Bill No. 523 substituted therefor on file.

Senator Simpson asked unanimous consent to move a reconsideration of the vote whereby Senate Bill No. 652 was passed on a previous day.

Consent granted.

RECONSIDERATION.

Whereupon Senator Simpson moved a reconsideration of the vote whereby Senate Bill No. 652 was passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Andrews, Bert, Bulla, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.
NOES—None.

Senator Simpson moved that Senate Bill No. 652 be again placed on the urgency file.

So ordered.

LEAVE OF ABSENCE.

Senator Feeney asked for and was granted a leave of absence for the forenoon.

SPECIAL ORDER—REPORT OF COMMITTEE ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

The report of the Committee on Executive Communications and Nominations, which was made a special order for this morning, was then taken up.

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred communication from Governor James H. Budd, making certain appointments, have had the same under consideration, and respectfully report the same back, and recommend that the Senate advise and consent to the appointment of the following:

January 10, 1895—Brewton A. Hayne, Alameda County, Director Deaf and Dumb and Blind Asylum, vice John W. Coleman, deceased.

October 23, 1895—John T. Harrington, Colusa, Director California Home for the Care and Training of Feeble-Minded Children, vice George W. Gibbs, term expired.

October 24, 1895—R. R. Reibenstein, Stockton, Director California Home for the Care and Training of Feeble-Minded Children, vice Charles P. Eels, term expired.

November 13, 1895—Thomas P. Woodward, San Francisco, Director California Home for the Care and Training of Feeble-Minded Children, vice Robert A. Poppe, term expired.

March 12, 1896—Frank H. Dixon, San Diego, member of the State Board of Harbor Commissioners for the Bay of San Diego, vice J. H. Barbour, term expired.

March 12, 1896—Norman H. Conklin, San Diego, member of the State Board of Harbor Commissioners for the Bay of San Diego, vice W. W. Stewart, term expired.

March 20, 1896—John E. Budd, Stockton, member of the Board of Regents of the State University, vice J. B. Reinstein, who was appointed to fill the vacancy caused by the death of George J. Ainsworth, and resigned.

March 20, 1896—Timothy G. Phelps, San Francisco, member of the Board of Regents of the State University, vice self, term expired.

March 20, 1896—J. B. Reinstein, San Francisco, member of the Board of Regents of the State University, vice Columbus Bartlett, term expired.

November 10, 1896—Alexander Vogelsang, San Francisco, member of the State Board of Fish Commissioners, vice W. C. Murdoch, resigned.

May 15, 1895—R. H. Warfield, San Francisco, Brigadier-General Second Brigade, with rank from the 15th day of May, 1895.

October 8, 1895—C. F. A. Last, Los Angeles, Brigadier-General First Brigade, with rank from the 8th day of October, 1895.

October 8, 1895—M. W. Muller, Fresno, Brigadier-General Third Brigade, with rank from November 16, 1891.

July 21, 1896—Nathaniel T. James, San Francisco, Major-General National Guard of California, vice W. H. Dimond, deceased, with rank from the 21st day of July, 1896.

April 8, 1896—James H. Wilkins, San Rafael, Director of the California State Prisons, vice R. T. Devlin, term expired.

July 16, 1896—Robert T. Devlin, Sacramento, Director of the California State Prisons, vice J. H. Neff, resigned.

March 1, 1897—Don Ray, of Sacramento County, Director of the California State Prisons, vice Edgar J. DePue, term expired.

March 1, 1897—John N. Woods, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice H. O. Southworth, term expired.

March 1, 1897—John T. Doyle, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice Arthur Thornton, term expired.

March 1, 1897—John D. McDougald, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, to succeed himself.

March 1, 1897—Archibald McDonald, of the County of Santa Clara, Director of the State Insane Asylum at Stockton, to succeed himself.

March 1, 1897—John Garber, of the County of Alameda, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice Warren C. Olney, term expired.

March 1, 1897—W. W. Foote, of the County of Alameda, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice W. C. Bartlett, term expired.

March 1, 1897—Henry Pierce, of the City and County of San Francisco, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice John K. McLean, term expired.

WOLFE, Chairman.

Consideration of the confirmation of the appointment of Brewton A. Hayne, of Alameda County, as a Director of the Deaf and Dumb and Blind Asylum, vice John W. Coleman, deceased.

Upon the question, "Will the Senate advise and consent to the appointment of Brewton A. Hayne, of Alameda County, as a Director of the Deaf and Dumb and Blind Asylum, vice John W. Coleman, deceased?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Voorheis—29.

NOES—None.

Whereupon the Chair announced the appointment of Brewton A. Hayne to the office of Director of the Deaf and Dumb and Blind Asylum duly confirmed.

Consideration of the confirmation of the appointment of John T. Harrington, of Colusa, Director California Home for the Care and Training of Feeble-Minded Children, vice George W. Gibbs, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of John T. Harrington, of Colusa, Director California Home for the Care and Training of Feeble-Minded Children, vice George W. Gibbs, term expired?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—30.

NOES—None.

Whereupon the Chair announced the appointment of John T. Harrington to the office of Director California Home for the Care and Training of Feeble-Minded Children duly confirmed.

Consideration of the confirmation of the appointment of R. R. Reibenstein, of Stockton, Director California Home for the Care and Training of Feeble-Minded Children, vice Charles P. Eels, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of R. R. Reibenstein, of Stockton, to the office of Director California Home for the Care and Training of Feeble-Minded Children, vice Charles P. Eels, term expired?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Henderson, Jones, Langford, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Stratton, Toner, Trout, Voorheis, and Withington—26.

NOES—None.

Whereupon the Chair announced the appointment of R. R. Reibenstein to the office of Director California Home for the Care and Training of Feeble-Minded Children duly confirmed.

Consideration of the confirmation of the appointment of Thomas P. Woodward, of San Francisco, as Director California Home for the Care and Training of Feeble-Minded Children, vice Robert A. Poppe, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of Thomas P. Woodward, of San Francisco, to the office of Director California Home for the Care and Training of Feeble-Minded Children, vice Robert A. Poppe, term expired?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Aram, Bert, Boyce, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

Whereupon the Chair announced the appointment of Thomas P. Woodward to the office of Director California Home for the Care and Training of Feeble-Minded Children duly confirmed.

Consideration of the confirmation of the appointment of Frank H. Dixon, of San Diego, member of the State Board of Harbor Commissioners for the Bay of San Diego, vice J. H. Barbour, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of Frank H. Dixon, of San Diego, to the office of member of the State Board of Harbor Commissioners for the Bay of San Diego, vice J. H. Barbour, term expired?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Aram, Bert, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—26.

NOES—None.

Whereupon the Chair announced the appointment of Frank H. Dixon to the office of member of the State Board of Harbor Commissioners for the Bay of San Diego duly confirmed.

Consideration of the confirmation of the appointment of Norman H. Conklin, of San Diego, as member of the State Board of Harbor Commissioners for the Bay of San Diego, vice W. W. Stewart, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of Norman H. Conklin, of San Diego, to the office of member of the State Board of Harbor Commissioners for the Bay of San Diego, vice W. W. Stewart, term expired?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Aram, Bert, Bulla, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—26.

NOES—None.

Whereupon the Chair announced the appointment of Norman H. Conklin to the office of member of the State Board of Harbor Commissioners for the Bay of San Diego duly confirmed.

Consideration of the confirmation of the appointment of John E. Budd, of Stockton, member of the Board of Regents of the State University, vice J. B. Reinstein, who was appointed to fill the vacancy caused by the death of George J. Ainsworth, and resigned.

Upon the question, "Will the Senate advise and consent to the appointment of John E. Budd, of Stockton, as member of the Board of Regents of the State University, vice J. B. Reinstein?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Aram, Bert, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Whereupon the Chair announced the appointment of John E. Budd to the office of member of the Board of Regents of the State University duly confirmed.

Consideration of the confirmation of the appointment of Timothy G. Phelps, of San Francisco, to the office of member of the Board of Regents of the State University, vice himself, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of Timothy G. Phelps, of San Francisco, to the office of member of the Board of Regents of the State University, vice himself?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Aram, Bert, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Withington—29.

NOES—None.

Whereupon the Chair announced the appointment of Timothy G. Phelps to the office of member of the Board of Regents of the State University duly confirmed.

Consideration of the confirmation of the appointment of J. B. Reinstein, of San Francisco, as member of the Board of Regents of the State University, vice Columbus Bartlett, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of J. B. Reinstein, of San Francisco, to the office of member of the Board of Regents of the State University, vice Columbus Bartlett?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Aram, Bert, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Toner, Trout, Voorheis, and Withington—30.

NOES—None.

Whereupon the Chair announced the appointment of J. B. Reinstein, of San Francisco, to the office of member of the Board of Regents of the State University duly confirmed.

Consideration of the confirmation of the appointment of Alexander Vogelsang, of San Francisco, member of the State Board of Fish Commissioners, vice W. C. Murdoch, resigned.

Upon the question, "Will the Senate advise and consent to the appointment of Alexander Vogelsang, of San Francisco, member of the State Board of Fish Commissioners, vice W. C. Murdoch?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Toner, Trout, Voorheis, and Withington—31.

NOES—None.

Whereupon the Chair announced the appointment of Alexander Vogelsang to the office of member of the State Board of Fish Commissioners duly confirmed.

Consideration of the confirmation of the appointment of R. H. Warfield, of San Francisco, Brigadier-General Second Brigade, with rank from the 15th day of May, 1895.

Upon the question, "Will the Senate advise and consent to the appointment of R. H. Warfield, of San Francisco, to the office of Brigadier-General Second Brigade?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Dickinson, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

Whereupon the Chair announced the appointment of R. H. Warfield to the office of Brigadier-General Second Brigade, with rank from the 15th day of May, 1895, duly confirmed.

Consideration of the confirmation of the appointment of C. F. A. Last, of Los Angeles, as Brigadier-General First Brigade, with rank from the 8th day of October, 1895.

Upon the question, "Will the Senate advise and consent to the appointment of C. F. A. Last, of Los Angeles, to the office of Brigadier-General First Brigade?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

Whereupon the Chair announced the appointment of C. F. A. Last to the office of Brigadier-General First Brigade duly confirmed.

Consideration of the confirmation of the appointment of M. W. Muller, of Fresno, as Brigadier-General Third Brigade, with rank from November 16, 1891.

Upon the question, "Will the Senate advise and consent to the appointment of M. W. Muller, of Fresno, to the office of Brigadier-General Third Brigade?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Toner, Trout, Voorheis, and Withington—30.

NOES—None.

Whereupon the Chair announced the appointment of M. W. Muller to the office of Brigadier-General Third Brigade duly confirmed.

Consideration of the confirmation of the appointment of Nathaniel T. James, of San Francisco, as Major-General National Guard of California, vice W. H. Dimond, deceased, with rank from the 21st day of July, 1896.

Upon the question, "Will the Senate advise and consent to the appointment of Nathaniel T. James, of San Francisco, to the office of Major-General National Guard of California, vice W. H. Dimond, deceased, with rank from the 21st day of July, 1896?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

Whereupon the Chair announced the appointment of Nathaniel T. James, of San Francisco, to the office of Major-General National Guard of California duly confirmed.

Consideration of the confirmation of the appointment of James H. Wilkins, of San Rafael, as Director of the California State Prisons, vice R. T. Devlin, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of James H. Wilkins, of San Rafael, to the office of Director of the California State Prisons, vice R. T. Devlin?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Whereupon the Chair announced the appointment of James H. Wilkins to the office of Director of the California State Prisons duly confirmed.

Consideration of the confirmation of the appointment of Robert T. Devlin, of Sacramento, as Director of the California State Prisons, vice J. H. Neff, resigned.

Upon the question, "Will the Senate advise and consent to the appointment of Robert T. Devlin, of Sacramento, to the office of Director of the California State Prisons, vice J. H. Neff?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Whereupon the Chair announced the appointment of Robert T. Devlin to the office of Director of the California State Prisons duly confirmed.

Consideration of the confirmation of the appointment of Don Ray, of Sacramento County, as Director of the California State Prisons, vice Edgar J. DePue, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of Don Ray, of Sacramento County, to the office of Director of the California State Prisons, vice Edgar J. DePue?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Whereupon the Chair announced the appointment of Don Ray to the office of Director of the California State Prisons duly confirmed.

Consideration of the confirmation of the appointment of John N. Woods, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice H. O. Southworth, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of John N. Woods, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice H. O. Southworth, term expired?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Whereupon the Chair announced the appointment of John N. Woods to the office of Director of the State Insane Asylum at Stockton duly confirmed.

Consideration of the confirmation of the appointment of John T. Doyle, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, vice Arthur Thornton, term expired.

Upon the question, "Will the Senate advise and consent to the appoint-

ment of John T. Doyle, of the County of San Joaquin, to the office of Director of the State Insane Asylum at Stockton, vice Arthur Thornton?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Whereupon the Chair announced the appointment of John T. Doyle to the office of Director of the State Insane Asylum at Stockton duly confirmed.

Consideration of the confirmation of the appointment of John D. McDougald, of the County of San Joaquin, Director of the State Insane Asylum at Stockton, to succeed himself.

Upon the question, "Will the Senate advise and consent to the appointment of John D. McDougald to the office of Director of the State Insane Asylum at Stockton, vice himself?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—31.

NOES—None.

Whereupon the Chair announced the appointment of John D. McDougald to the office of Director of the State Insane Asylum at Stockton duly confirmed.

Consideration of the confirmation of the appointment of Archibald McDonald, of the County of Santa Clara, as Director of the State Insane Asylum at Stockton, to succeed himself.

Upon the question, "Will the Senate advise and consent to the appointment of Archibald McDonald, of the County of Santa Clara, to the office of Director of the State Insane Asylum at Stockton, vice himself?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

Whereupon the Chair announced the appointment of Archibald McDonald to the office of Director of the State Insane Asylum at Stockton duly confirmed.

Consideration of the confirmation of the appointment of John Garber, of the County of Alameda, as Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice Warren C. Olney, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of John Garber, of the County of Alameda, to the office of Director of the Deaf and Dumb and Blind Asylum at Berkeley, term expired?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Andrews, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

Whereupon the Chair announced the appointment of John Garber to the office of Director of the Deaf and Dumb and Blind Asylum at Berkeley duly confirmed.

Consideration of the confirmation of the appointment of W. W. Foote, of the County of Alameda, Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice W. C. Bartlett, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of W. W. Foote, of the County of Alameda, to the office of Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice W. C. Bartlett?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Andrews, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—None.

Whereupon the Chair announced the appointment of W. W. Foote to the office of Director of the Deaf and Dumb and Blind Asylum at Berkeley duly confirmed.

Consideration of the confirmation of the appointment of Henry Pierce, of the City and County of San Francisco, as Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice John K. McLean, term expired.

Upon the question, "Will the Senate advise and consent to the appointment of Henry Pierce, of the City and County of San Francisco, to the office of Director of the Deaf and Dumb and Blind Asylum at Berkeley, vice John K. McLean?"

By direction of the President, the roll was called, with the following result:

AYES—Senators Andrews, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Stratton, Toner, Trout, Voorheis, and Withington—26.

NOES—None.

Whereupon the Chair announced the appointment of Henry Pierce to the office of Director of the Deaf and Dumb and Blind Asylum at Berkeley duly confirmed.

COMMUNICATION.

The following communication was ordered printed in the Journal :

MERCHANTS' ASSOCIATION, SAN FRANCISCO, CAL., March 1, 1897.

To the honorable members of the Senate of the State of California :

GENTLEMEN: At the last meeting of the Board of Directors of the Merchants' Association it was unanimously decided to approve of Senate Constitutional Amendment No. 35, amending Article XI of the Constitution of the State by adding a new section thereto, to be known as No. 51, relating to consolidated city and county governments.

It was also unanimously decided to approve of an Act, to be introduced in the Legislature at once, in relation to elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters.

The Merchants' Association would therefore respectfully request your honorable body to favor the passage of the above mentioned constitutional amendment and the adoption of the Act above referred to.

Very truly yours,

[SEAL.]

MERCHANTS' ASSOCIATION.
F. W. DOHRMANN, President.
J. RICHARD FREUD, Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Concurrent Resolution No. 7—Relative to the charter of the City of San José—and presented the same to the Governor on this day, at ten o'clock A.M.

JONES, Chairman.

ON AGRICULTURE, HORTICULTURE, VINICULTURE, AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Agriculture, Horticulture, Viniculture, and Viticulture, to whom was referred Assembly Bill No. 727—An Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHIPPEE, Chairman.

Assembly Bill No. 727 ordered on file for second reading.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes—have had the same under consideration, and respectfully report the same back without recommendation.

ANDROUS, Chairman.

Assembly Bill No. 730 ordered on file for second reading.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred engrossed Assembly Bill No. 636—An Act to provide for the preparation of an index of the Journals and Appendices of the Senate and Assembly of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TROUT, Chairman.

Assembly Bill No. 636 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Assembly Bill No. 445—An Act relating to the authorization and employment of a draftsman by Recorders in counties, and cities and counties, of the first class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Assembly Bill No. 445 ordered on file for second reading.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Assembly Bill No. 132—An Act to authorize the erection of a sewage-pumping plant at the Folsom State Prison, and making an appropriation therefor—have the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAHONEY, Chairman.

Assembly Bill No. 132 re-referred to the Committee on Finance.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 4th day of March passed Assembly Bill No. 810—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.

Also: Assembly Bill No. 972—An Act to provide for the care of the dependant and wayward classes.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senator Simpson asked unanimous consent to withdraw Senate Bill No. 652—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections—and substitute therefor on file Assembly Bill No. 810—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.

Consent granted.

Senate Bill No. 652 withdrawn, ordered stricken from the file, and Assembly Bill No. 810 substituted therefor on file.

Assembly Bill No. 972 read first time, and referred to the Committee on Education and Public Morals.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 3d day of March adopted Assembly Concurrent Resolution No. 9.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Concurrent Resolution No. 9 read, as follows:

ASSEMBLY CONCURRENT RESOLUTION No. 9.

Resolution welcoming to the State of California the Societies of Christian Endeavor of the World, upon the occasion of their sixteenth annual international convention, to be held in the City of San Francisco, July 7 to 12, 1897.

WHEREAS, The sixteenth international Christian Endeavor convention is to be held in San Francisco, in this State, July seventh to twelfth of this year; and

WHEREAS, The Society of Christian Endeavor is an organization embracing over forty-five thousand local societies, with an aggregate membership of over two and one half millions of persons, located in the different countries of the world, but principally in the United States of America; and

WHEREAS, A large number of our citizens in public and private life have for a long time past been devoting much time, labor, and money to the end that the convention of 1897 might be secured to our State, and will continue to labor and expend their money and devote their time in order to assure to our visitors a cordial and hospitable welcome; and

WHEREAS, This society is an inter-denominational organization, which has for its object the development of the young in good morals, high character, and to fit them for laudable achievement; and

WHEREAS, It has come to our notice that at the conventions held in sister States within the past few years, the attendance has reached as high as fifty thousand persons; and

WHEREAS, The railway associations of the United States have agreed upon rates for transportation to and from the State on account of this convention of 1897, lower than were ever granted at any previous time, upon any account whatever, which rates of transportation are available to everybody, whether members of the societies or not, and such rates being upon terms that will allow reasonable time for all visitors on that occasion to not only attend the convention, but also permit them to visit the innumerable points of interest in the State; and

WHEREAS, It is confidently believed by those who have charge of the affairs of the societies and sessions of the convention that many thousands will visit our State by reason of holding the convention of 1897 in California; and

WHEREAS, It is the sense of the Legislature of the State of California that it is but meet and proper that the people of California should welcome to our beloved State the delegates to the convention of 1897, and their accompanying friends, and others drawn here upon this auspicious occasion, from which we must inevitably derive much benefit; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring therein. That the Legislature of the State of California, at its thirty-second session, beginning on the 4th day of January, 1897, does hereby extend to the Societies of Christian Endeavor of the World, and their friends, a cordial welcome to our State upon this, the occasion of their sixteenth annual convention, better known throughout the world as "California 1897 Christian Endeavor Convention," and we assure them and their visiting companions that they will find in our people a deep and earnest interest in that moral culture which is elevating and helpful to humanity, and a disposition to aid and encourage those who have already devoted much time and labor to this cause.

While those who will come to California during July next are within our State, we hope they will not fail to visit the many points of interest for which the State is famous, and see for themselves what a goodly heritage is ours; and we especially call their attention to Anno Domini 1601, when the first Christian Endeavor work on the western coast was initiated, where, "twenty years before the Pilgrims landed on Plymouth Rock, there was reflected a rude cross in the waters of the Bay of Monterey," which cross was erected by the Spanish padres. We also invite their attention to the early missions at Santa Barbara, Santa Clara, San Luis Obispo, and elsewhere, and to the more modern churches of every denomination in the cities, villages, and hamlets of the State. The material progress of our State from its earliest control by Americans, we think, is well illustrated by the respective State Capitol buildings—the first erected at Monterey in 1849; the next at San José, 1849-51; the next at Vallejo, 1852-53; the next at Benicia, 1853-54; the next at Sacramento, 1854; the next at Sacramento, 1855-1869; then our present magnificent State building.

In addition to this evidence of our prosperity, we are proud of the educational development of the State, as shown by our great university at Berkeley, adjacent to Oakland and San Francisco, and of the numerous other educational institutions, at the head of which stands the Leland Stanford, Jr., University at Palo Alto, near San José; the State Normal Schools, at Los Angeles in the south, San José in the center, and Chico in the north; while on Mount Hamilton, near San José, will be found the great Lick Observatory with its complete astronomical equipment; and thus throughout our State—from "Siskiyou to San Diego, and from the Sierras to the sea"—will be found much to attract the eye and satisfy the fancy of those who love the wonderful and beautiful in nature.

In the great Sierra Nevada range will be found the richest gold mines of the world, while in the valleys and plains are located the agricultural, horticultural, and viticultural development of the State, which are unsurpassed anywhere on the face of the globe.

For remarkable topographical features, there will be found Mounts Lowe and Wilson, near Los Angeles; farther north the world-famed Yosemite Valley and Mount Whitney, while to the north is Mount Shasta, clad in perpetual snow. All of these are easy of access by rail, while, by our fourteen hundred miles of tidewater shoreline, the commerce of the world could be accommodated in a score of places from Del Norte in the northwest to San Diego in the southwest, with Eureka, San Francisco, Oakland, Monterey, Santa Cruz, San Luis Obispo, Santa Barbara, and Los Angeles between. By the inland waters of the State may be reached a hundred cities and towns of greater or less importance, notable among which are Stockton, Sacramento, Marysville, and Red Bluff, and by the same inland waters and by rail may be reached the great national navy yard at Mare Island, opposite Vallejo.

In the eastern central portion of the State will be found the location of Sutter's mill, where James W. Marshall discovered gold, from which discovery came the impelling forces which have so materially aided in the development of what is now this great State of California.

With all these and many other attractions for the gratification of the senses, in addition to the benefits to be derived from associations at the convention, it is the belief of the Legislature of the State of California that much good will come to those who will visit us during the convention days, and we feel assured that much benefit

will be derived by our own people from the visit of those who will come to us in connection with this memorable occasion.

Therefore, again we say to our expected guests, whether their stay with us be temporary or permanent, "Welcome, thrice welcome, to California."

The roll was called, and Assembly Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—29.

NOES—None.

GENERAL FILE.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Passed on file.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State and to make compensation to counties for the exemption of property from taxation.

Passed on file temporarily, but to retain its place.

Senate Bill No. 169—An Act to promote the safety of employes and passengers upon railroads, by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

Bill passed on file, but to retain its place.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunbart, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—33.

NOES—None.

Title read and approved.

Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin, to connect with a road called "Tioga Road," at or near the Tioga Mine.

Bill passed on file, but to retain its place.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill passed on file, but to retain its place.

Senate Bill No. 506—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 506.

Consent granted.

Senate Bill No. 506 withdrawn, and ordered stricken from the file.

Substitute for Senate Bill No. 164—An Act to amend Section 634 of the Political Code, in relation to insurance, approved April, 1878.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 164, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Substitute for Senate Bill No. 164 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Jones, Linder, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Voorheis—22.

NOES—None.

Title read and approved.

Senate Bill No. 124—An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties.

Senator Seawell asked unanimous consent to withdraw Senate Bill No. 124.

Consent granted.

Senate Bill No. 124 withdrawn, and ordered stricken from the file.

Senate Bill No. 560—An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act concerning crimes and punishments,'" passed April 16, 1850, approved March 20, 1872.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 560 refused passage by the following vote:

AYES—Senators Androus, Bert, Boyce, Dickinson, Franck, Holloway, Langford, Morehouse, and Trout—9.

NOES—Senators Aram, Bulla, Chapman, Doty, Flint, Gillette, Gileaves, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, and Stratton—18.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Withington, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That a committee of three be and is hereby constituted, the Speaker of the Assembly being one of said committee and the other members thereof to be appointed by the Speaker, to confer with a Senate committee, for the purpose of considering a proper mode of parliamentary procedure under the joint rules of the two houses, the abrogation of certain rules, if necessary, and to report the result of said conference to the two houses. Also, to report upon the advisability of suggesting at this time a day of adjournment of the Legislature.

In accordance with the above, the following committee was appointed by the Speaker of the Assembly: F. L. Coombs, A. W. North, and J. K. Burnett.

S. J. DUCKWORTH, Chief Clerk.

Senator Flint moved the adoption of the foregoing resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shine Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—Senators Morehouse and Toner—2.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the following committee was appointed by the President of the Senate: Senators Flint, La Rue, and Simpson.

GENERAL FILE—(RESUMED).

Senate Concurrent Resolution No. 5—A concurrent resolution relating to the National Educational Association.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Androus, Aram, Boyce, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

Senate Bill No. 405—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Senator Smith asked unanimous consent to withdraw Senate Bill No. 405.

Consent granted.

Senate Bill No. 405 withdrawn, and ordered stricken from the file.

Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State, to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Passed on file.

Senate Bill No. 449—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1893, by amending Section 851 thereof, relative to the officers of municipal incorporations of the sixth class, approved March 27, 1885.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 449, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 449 refused passage by the following vote:

AYES—Senators Androus, Aram, Braunnhart, Bulla, Chapman, Dickinson, Flint, Gleaves, Henderson, Jones, Luchsinger, Mahoney, Morehouse, and Trout—14.
NOES—Senators Doty, Holloway, La Rue, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, and Withington—11.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 574 (reengrossed)—An Act amending Section 534 of the Political Code, relating to Superintendent of State Printing.
JONES, Chairman.

Senate Bill No. 574 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 574—An Act amending Section 534 of the Political Code.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 574 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunnhart, Bulla, Chapman, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Toner, Trout, and Withington—28.

NOES—None.

Title read and approved.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill passed on file.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file temporarily, but to retain its place.

Senate Concurrent Resolution No. 10—Relative to abrogating Joint Rules XL, XLVIII, and XLIX.

Senate Concurrent Resolution No. 10 passed on file.

Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 12—An Act to prescribe conditions upon which certain insurance associations, known as Lloyds, may be admitted to transact insurance business in this State.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 12, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 12 refused passage by the following vote:

AYES—Senators Aram, Mahoney, Morehouse, and Shine—4.

NOES—Senators Androus, Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Simpson, Smith, Toner, Trout, and Voorheis—24.

NOTICE OF RECONSIDERATION.

Senator Bert gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 12 was this day refused passage.

RESOLUTION—(OUT OF ORDER).

Senator Franck offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to pay the following bills, as per vouchers accompanying:

SACRAMENTO, CAL., March 4, 1897.

Senate of the State of California, to William Sampson, Dr.:

Three days' services, at \$5 per day..... \$15 00

Bought of Locke & Lavenson:

March 5—Thirty-two yards matting @ 75 cents..... \$24 00

Laying 32 yards matting @ 5 cents..... 1 60

Taking up old matting..... 1 00

Total..... \$26 60

Resolution and vouchers referred to the Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

QUESTION OF PRIVILEGE.

Senator Voorheis rose to a question of personal privilege, and made the following statement:

I notice in the Examiner this morning that I was accused of leaving the Senate to avoid speaking in the investigation which is now pending in the Senate and Assembly. I desire to state that my absence from Sacramento, or from the Capitol, was purely on business of my own; and the article in the Examiner stating that I went to avoid speaking is a falsehood, pure and simple. I desire to make this statement to the Senate: That where a paper that goes broadcast over the State, carrying insinuations that a man has left the Capitol without the consent of the Examiner, or any one else, for them to publish such matters, they should, I think, be denied representation in this Senate, or Assembly. It is malignant, and a falsehood from first to last.

LEAVE OF ABSENCE.

Senator Voorheis was granted a leave of absence for one hour.

At two o'clock and five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment; and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from the corporations violating the same.

The bill having been finally passed on a previous day, the title, as amended, was read and approved.

Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors respecting roads.

Bill passed on file temporarily, but to retain its place.

Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act.

Bill passed on file temporarily, but to retain its place.

Assembly Bill No. 827—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

The bill having been finally passed on a previous day, the title, as amended, was read and approved.

Assembly Bill No. 461—An Act to amend Section 963 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 462—An Act to amend Section 977 of the Code of Civil Procedure.

Bill passed on file, but to retain its place.

Assembly Bill No. 843—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

Bill passed on file temporarily, but to retain its place.

Assembly Bill No. 916—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands.

Bill passed on file, but to retain its place.

Assembly Bill No. 40—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill passed on file, but to retain its place.

Assembly Bill No. 157—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 157, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Assembly Bill No. 157 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Withington—27.

NOES—None.

Title read and approved.

Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

Senator Chapman moved that Assembly Bill No. 730 be refused third reading.

Motion lost.

Bill passed on file, but to retain its place, on motion of Senator Androus.

Assembly Bill No. 679—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits.

Bill passed on file, but to retain its place.

Assembly Bill No. 341—An Act relating to rights of way across mining claims.

Bill passed on file, but to retain its place.

Assembly Bill No. 902—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year. (Substitute for Assembly Bill No. 673.)

Bill passed on file, but to retain its place.

Assembly Bill No. 903—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith. (Substitute for Assembly Bill No. 650.)

Bill passed on file, but to retain its place.

Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California.

Bill passed on file, but to retain its place.

Assembly Bill No. 905—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor. (Substitute for Assembly Bill No. 672.)

Bill passed on file, but to retain its place.

Assembly Bill No. 138—An Act entitled "An Act to amend Section 2003 of the Political Code."

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 138, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Assembly Bill No. 138 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, and Withington—32.

NOES—None.

Title read and approved.

Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 8, have examined the same, and report that the object cannot be secured under existing laws; and the same is correct in text and reference, except as follows: The word and figure, "Sec. 3," shall be inserted at the beginning of the last line of the bill.

They therefore recommend that Senator Gleaves be appointed a special committee of one, to whom the bill shall be recommitted to amend the same as herein suggested.

SEAWELL, for the Committee.

As recommended by the committee, Senator Gleaves was appointed a special committee of one to amend as suggested by the Committee on Rules and Revision.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 8, with instructions to amend, respectfully reports the same back, amended as per instructions.

GLEAVES, Committee.

Bill ordered to reprint.

Assembly Bill No. 128—An Act to enable any county, city and county, city, or town to lease property to associations of ex-soldiers and sailors.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 128, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Assembly Bill No. 128 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, and Withington—29.

NOES—None.

Title read and approved.

Assembly Bill No. 783 (Substitute for Assembly Bill No. 196)—An Act to amend Section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways.

Bill read third time, passed on file, but to retain its place.

Assembly Bill No. 374—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

Bill passed on file, but to retain its place.

SECOND READING OF BILLS.

Assembly Bill No. 382—An Act to repeal Sections 628*a*, 630, 632*b*, and 633, and to amend Sections 628, 635, and 636 of the Penal Code of the State of California, relating to fish.

During the second reading of the bill, the following amendments were submitted by Senator Luchsinger:

Amend by striking out of enacting clause the word "the" between "represented" and "Senate."

Amendment adopted.

Also: Amend by striking out of Section 1, line 1, the figures "628" after "Section" and inserting the following figure: "1."

Amendment adopted.

Also: Amend by inserting in Section 1, line 1, the words "of the Penal Code" after "twenty-eight."

Amendment adopted.

Also: Amend by inserting in Section 2, line 2, the words "of the Penal Code" after "twenty-eight a" and in Sections 3, 4, 5, 6, 7, and 8, after the descriptive written numbers, insert "of the said Code."

Amendment adopted.

Also: Amend by striking out of Section 8, line 19, the word "float" and inserting the following: "drift."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act.

The bill having been passed on file temporarily this day, it was read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 30, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, on account of typographical error in printed bill, but to retain its place.

Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors respecting roads.

The bill having been passed on file temporarily this day, it was read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 385, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Smith, Senator Withington was appointed a special committee of one to amend bill as follows:

Amend by striking out of line 84, Section 1, the following: "case the work shall," and also by changing the word "to," in line 85, to "by," and by changing the semicolon after the word "contract," in line 85, to a comma.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred amended Assembly Bill No. 385, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 843.—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

The bill having been passed on file temporarily this day, it was read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 843, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 843 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Toner, and Trout—28.

NOES—None.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Holloway offered the following resolution.

WHEREAS, On January 6, 1897, the Senate adopted a resolution appointing E. J. Niles Clerk to the Sergeant-at-Arms, at a per diem of \$6, and A. L. Tilton, J. F. Summers, and J. P. Carter, Porters, at a per diem of \$3; and

WHEREAS, By the provisions of Section 268 of the Political Code the Clerk to the Sergeant-at-Arms is entitled to \$8 per diem and Porters to \$4 per diem, and the Attorney-General has rendered an opinion that a resolution of the Senate cannot legally reduce this per diem; therefore, be it

Resolved, That each of the aforesaid employés be allowed the additional per diem due him by law from the date of his appointment, and that the Controller be and he is hereby authorized and directed to draw his warrants against the appropriation for contingent expenses of the Senate in payment of same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 180—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 344 and 345, relating to pawnbrokers.

Also: Senate Bill No. 628—An Act to promote the public health and to prohibit acts prejudicial thereto, and to provide for the punishment thereof.

Also: Senate Bill No. 629—An Act to promote the public health, and to prohibit acts prejudicial thereto, and to provide for the punishment thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BOYCE, Chairman.

Assembly Bill No. 180 and Senate Bills Nos. 628 and 629 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate bills as follows:

Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State.

Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Senate Bill No. 118—An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold-storage system for said asylum; to appropriate money therefor, and provide for the expenditure of the same.

And presented the same to the Governor on this day, at eleven o'clock and fifteen minutes A. M.

JONES, Chairman.

POSTPONEMENT OF NOTICE TO RECONSIDER.

Senator Smith asked unanimous consent to postpone his motion to reconsider the vote whereby Assembly Bill No. 433 was refused final passage on a previous day, until Monday, March 8, 1897, immediately after approval of Journal.

Consent granted.

MOTION.

Senator Mahoney moved that the motion to reconsider the vote whereby Senate Bill No. 39—An Act appropriating money to pay the expenses of a California exhibit at the Trans-Mississippi Exposition, at Omaha, in 1898—was on a previous day passed, be made special order for Monday, March 8, 1897, at three o'clock and thirty minutes P. M.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bert, Braunhart, Chapman, Doty, Feeney, Franck, Gillette, Hall, Henderson, Linder, Luchsinger, Mahoney, Morehouse, Shine, Shippee, Smith, Stratton, Toner, and Trout—19.

NOES—Senators Androus, Aram, Beard, Boyce, Bulla, Flint, Gleaves, Holloway, Jones, La Rue, Prisk, Voorheis, and Withington—13.

At four o'clock P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Mahoney moved a reconsideration of the vote whereby Senate Bill No. 39 was passed.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Mahoney moved a call of the Senate, at four o'clock and thirty-five minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

The Secretary then announced that Senator Dickinson was the only Senator absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentee before the bar of the Senate.

At four o'clock and forty minutes P. M., Senator Dickinson was brought before the bar of the Senate.

On motion of Senator Henderson, Senator Dickinson was excused for absence.

On motion of Senator Voorheis, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that the vote whereby Senate Bill No. 39, on a previous day passed, was reconsidered by the following vote:

AYES—Senators Beard, Bert, Braunhart, Chapman, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shippee, Smith, Stratton, Toner, and Trout—24.

NOES—Senators Bulla, Jones, Langford, Morehouse, Prisk, Shine, Simpson, Voorheis, and Withington—9.

The question recurring on the passage of Senate Bill No. 39.

The roll was called, and Senate Bill No. 39 refused passage by the following vote:

AYES—Senators Aram, Bert, Bulla, Chapman, Flint, Jones, Langford, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Voorheis, and Withington—15.

NOES—Senators Beard, Braunhart, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Seawell, Stratton, Toner, and Trout—19.

At four o'clock and fifty-eight minutes P. M., on motion of Senator Simpson, the Senate took a recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Braunhart, Bulla, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington.

Quorum present.

LEAVE OF ABSENCE.

Senators Flint, Dickinson, Aram, and Voorheis were granted a leave of absence for committee duty.

CALL OF THE SENATE.

Senator Withington moved a call of the Senate at eight o'clock and ten minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Bert, Braunhart, Bulla, Chapman, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shippee, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

The Secretary then announced that Senators Aram, Beard, Dickinson, Morehouse, Seawell, Shine, and Voorheis were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At eight o'clock and twenty minutes p. m., Senator Voorheis was brought before the bar of the Senate.

Senator Voorheis stated that he had been summoned to appear before the committee of investigation of Examiner charges, and was excused for absence.

On motion of Senator Hall, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate—and presented the same to the Governor on this day, at four o'clock p. m.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County.

Also: Substitute for Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Also: Substitute for Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

Also: Senate Bill No. 428—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1810, relating to the filing of accounts of guardians after their death.

Also: Senate Bill No. 499—An Act to prescribe the duty of the Attorney-General and Insurance Commissioner, in regard to the admission of insurance corporations, associations, or individuals to do business in this State.

JONES, Chairman.

Senate Bill No. 513, Substitute for Senate Bill No. 166, Substitute for Senate Bill No. 501, and Senate Bills Nos. 428 and 499, ordered on file for third reading.

ADJOURNMENT.

At eight o'clock and thirty minutes p. m., on motion of Senator Prisk, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, March 6, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Thursday, March 4, 1897, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 902—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Also: Assembly Bill No. 905—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Also: Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Have had the same under consideration, and respectfully report the same back without recommendation.

VOORHEIS, Chairman.

Assembly Bills Nos. 902 and 905 and Senate Bill No. 486 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 15—An Act to appropriate \$1,535 25 to pay the claim of W. W. Foote and Garret W. McEnerney, for legal services rendered and expenses incurred by them in that certain action commenced in and decided by the Supreme Court of the State of California, and which was therein entitled "The People of the State of California, on relation of John C. Lynch, petitioner, vs. James H. Budd, respondent," and numbered S. F. No. 600.

Also: Assembly Bill No. 229—An Act making an appropriation to pay the claim of Sarah H. Wing, for the killing of her husband, O. H. Wing.

Also: Assembly Bill No. 262—An Act making an appropriation to pay the claim of Geo. E. Lawrence, for services rendered the State of California at the funeral of the late Lieutenant-Governor Millard.

Also: Assembly Bill No. 370—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Also: Assembly Bill No. 437—An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands.

Also: Senate Bill No. 718—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down, and returning an exhibit of the products of the State of California, at the Hamburg Horticultural Exposition, to be held at Hamburg, Germany, in 1897, and to provide for a commission, secretary of commission, and the pay of the secretary thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VOORHEIS, Chairman.

Assembly Bills Nos. 15, 229, 262, 370 and 437, and Senate Bill No. 718. ordered on file for second reading.

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment and Public Expenditures, to whom was referred Assembly Bill No. 839—An Act making an appropriation to pay the claim of Marion Pirkey, for moneys advanced to the National Guard of California.

Also: Assembly Bill No. 156—An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, California, for moneys expended in behalf of the State of California, for foreclosing State school lands in Colusa County, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and ask that they be re-referred to the Committee on Finance before being placed on the second-reading file.

Also: Assembly Bill No. 765—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California—have had the same under consideration, and respectfully report the same back without recommendation, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bills Nos. 839, 156, and 765 re-referred to the Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Substitute for Senate Bill No. 169 (re-engrossed)—An Act to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

Also: Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin to connect with a road called "Tioga Road," at or near the Tioga Mine.

JONES, Chairman.

Senate Bill No. 542 ordered on file for third reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: We, the undersigned members of the Senate Committee on Corporations, hereby certify that we have examined Assembly Bill No. 632—An Act to provide for the organization and management of county fire insurance companies—and that we hereby recommend that the same be reported back without recommendation:

ARAM.
BRAUNHART.
SMITH.
MAHONEY.
HENDERSON.

We report back without recommendation, as we shall oppose it:

DICKINSON.
SIMPSON.
BEARD.
SHIPPEE.

Assembly Bill No. 632 ordered on file for second reading.

RESOLUTION.

Senator Stratton offered the following resolution:

Resolved, That the Controller be instructed to draw his warrant, and the Treasurer to pay the same, for the sum of \$35, being the per diem of the History Clerk of the Senate from February 10th to 17th, inclusive; said per diem covering the time between the resignation of Albert Lindley and the appointment of A. Searl as such History Clerk, the duties of the position having been performed by A. Searl.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

GENERAL FILE—THIRD READING OF BILLS.

Substitute for Senate Bill No. 169—An Act to require street railroads to provide guards for cars and dummies, and to prescribe penalties.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 169 passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Bulla, Chapman, Doty, Feeney, Franck, Gillette, Gleaves, Henderson, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Smith, Stratton, Toner, Trout, and Wolfe—22.

NOES—Senators Bert, Dickinson, Holloway, Jones, Mahoney, Shine, Shippee, Simpson, Voorheis, and Withington—10.

Title read and approved.

Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin, to connect with a road called "Tioga Road," at or near the Tioga Mine.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 542 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—33.

NOES—None.

Title read and approved.

Senate Bill No. 486—An Act to authorize an acquisition, by donation or purchase, of two sites for camps of instruction and target practice for the National Guard of California, and to improve the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 486, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 486 refused passage by the following vote:

AYES—Senators Androus, Aram, Bert, Bulla, Chapman, Feeney, Flint, Franck, Henderson, Linder, Mahoney, Morehouse, Pedlar, Shine, Simpson, Toner, and Wolfe—17.

NOES—Senators Beard, Braunhart, Dickinson, Doty, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Luchsinger, Prisk, Shippee, Smith, Stratton, Trout, and Withington—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 486 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file.

Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Bill passed on file.

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill passed on file.

Senate Bill No. 495—An Act to amend Section 622 of the Political Code of the State of California, relating to the retaliatory clauses concerning insurance companies.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 495, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee

The roll was called, and Senate Bill No. 495 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Brauhart, Bulla, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, and Trout—24.

NOES—None.

Title read and approved.

Senate Bill No. 601—An Act to amend Section 1238 of the Penal Code, relating to appeals by the people.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 601, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 601 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Brauhart, Bulla, Dickinson, Doty, Feeney, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Prisk, Shine, Simpson, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Senate Bill No. 469—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 469, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Pedlar, Senator Morehouse was appointed a special committee of one to amend bill as follows:

Strike out of line 46, page 4, the period (.) after the word "claims," and insert the following: "; provided, that any district, having lapsed and its territory having been annexed to other districts as provided in this section, shall, for the purposes of liquidating any bonded indebtedness for which it is liable, retain its identity until said indebtedness has been fully paid."

Also: After the word "education," in line 22, Section 19, page 14, insert the following: "and furniture which has been approved by the County School Superintendent."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 469, with instructions to amend, respectfully reports the same back, amended as per instructions.

MOREHOUSE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 460—An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 460, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

DICKINSON, for the Committee.

The roll was called, and Senate Bill No. 460 passed by the following vote:

AYES—Senators Aram, Beard, Bert, Bulla, Doty, Flint, Gillette, Gleaves, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Prisk, Shine, Simpson, Smith, Stratton, Trout, and Withington—21.

NOES—Senator Holloway—1.

Title read and approved.

Senate Bill No. 375—An Act to amend Section 3446 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the formation of reclamation districts.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 375, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Linder moved a call of the Senate, at eleven o'clock and fifteen minutes A. M.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Secretary then announced that Senators Androus, Hall, and Seawell were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At eleven o'clock and twenty minutes A. M., Senators Seawell and Androus were brought before the bar of the Senate.

On motion of Senator Bert, the Senators were excused for absence.

The Sergeant-at-Arms reported Senator Hall confined to his bed by illness.

On motion of Senator Bert, further proceedings under the call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that Senate Bill No. 375 was passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Chapman, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Linder, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Smith, Toner, Trout, Voorheis, and Wolfe—24.

NOES—Senators Beard, Bulla, Doty, Holloway, Jones, Langford, La Rue, Luchsinger, Simpson, Stratton, and Withington—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Smith gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 375 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 376—An Act to amend Section 5 of an Act entitled "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 376, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 376 refused passage by the following vote:

AYES—Senators Androus, Aram, Chapman, Dickinson, Feeney, Flint, Gillette, Gleaves, Henderson, Linder, Mahoney, Morehouse, Prisk, Shine, Toner, Trout, and Voorheis—17.

NOES—Senators Beard, Bulla, Doty, Franck, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, and Withington—16.

Senate Bill No. 447—An Act to provide for the payment of swamp and overflowed land funds into the treasury of the counties in which said swamp and overflowed lands are situated.

Senator Linder asked unanimous consent to withdraw Senate Bill No. 447 and substitute therefor on file Senate Bill No. 591—An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.

Consent granted.

Senate Bill No. 447 withdrawn, ordered stricken from the file, and Senate Bill No. 591 substituted therefor on file.

Senate Bill No. 591—An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.

By unanimous consent of Senate, the bill was read third time without the report of the Committee on Rules and Revision.

The roll was called, and Senate Bill No. 591 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Feeney, Flint, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, Linder, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Toner, Trout, Withington, and Wolfe—27.

NOES—Senators Bulla and Franck—2.

Title read and approved.

Senate Bill No. 29—An Act to provide for the election of members of the governing committee or body of the respective political parties, associations, or organizations, to promote the purity of said elections by regulating the conduct thereof, and to prohibit certain acts and practices in relation to the privilege of free suffrage, and to provide for the punishment thereof.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 29, and substitute therefor on file Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, southward from its present southerly terminus, near the foot of Mission Street, on the waterfront of the City and County of San Francisco.

Consent granted.

Senate Bill No. 29 withdrawn, ordered stricken from the file, and Senate Bill No. 363 substituted therefor on file.

Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare

of the harbor of San Francisco, southward from its present southerly terminus, near the foot of Mission Street, on the waterfront of the City and County of San Francisco.

By unanimous consent, the bill was read third time without the report of the Committee on Rules and Revision.

On motion of Senator Withington, the hour of recess was extended until Senate Bill No. 363 should be disposed of.

On motion of Senator Stratton, Senator Wolfe was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 1, lines 5 and 6, the words "southward from its present southerly terminus, near the foot of Mission Street."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 363, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Stratton, Senator Wolfe was appointed a special committee of one to amend bill as follows:

Amend by striking out of title the words "southward from its present southerly terminus, near the foot of Mission Street."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 363, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

SPECIAL ORDER.

Senator Braunhart moved that the further consideration of Senate Bill No. 363 be made special order for Monday, March 8, 1897, at three o'clock and thirty minutes P. M.

So ordered.

Senator Bert moved that the hour of recess be extended three minutes.

POSTPONEMENT OF MOTION TO RECONSIDER.

Senator Bert asked unanimous consent to postpone the motion to reconsider the vote whereby Senate Bill No. 12 was on a previous day refused passage, until Monday, March 8, 1897.

Consent granted.

RECESS.

At the hour of one o'clock P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington.

Quorum present.

LEAVE OF ABSENCE.

Senators Seawell, Gillette, and Dickinson were granted a leave of absence for committee work.

Senator Hall was granted a leave of absence, on account of illness, as requested by Senator Toner.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors, respecting roads.

Bill passed on file, but to retain its place.

Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act.

Bill passed on file, but to retain its place.

Assembly Bill No. 461—An Act to amend Section 963 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 461, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 461 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Doty, Feeney, Franck, Gleaves, Henderson, Holloway, Jones, Linder, Luchsinger, Prisk, Shine, Shippee, Stratton, Trout, Withington, and Wolfe—22.

NOES—None.

Title read and approved.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Flint asked unanimous consent to have Assembly Bill No. 22 taken up and considered.

Consent granted.

Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 22 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gleaves, Henderson, Langford, La Rue, Linder, Luchsinger, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—24.

NOES—None.

Title read and approved.

Assembly Bill No. 462—An Act to amend Section 977 of the Code of Civil Procedure.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 462, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 462 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Franck, Gleaves, Henderson, Holloway, Jones, Langford, Luchsinger, Pedlar, Prisk, Shine, Shippee, Smith, Stratton, Trout, and Withington—21.

NOES—None.

Title read and approved.

Assembly Bill No. 916—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 916, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions, except that there are certain questionable features which are reenactments of existing laws.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 916 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Doty, Franck, Gleaves, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Stratton, Trout, Withington, and Wolfe—23.

NOES—None.

Title read and approved.

Assembly Bill No. 40—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 40, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 40 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Doty, Franck, Gleaves, Holloway, Jones, Langford, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—23.

NOES—Senator Linder—1.

Title read and approved.

Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

Bill passed on file, but to retain its place.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 647—An Act to authorize the Governor to employ agents to collect certain claims due the State of California by the United States, and to provide compensation for such services.

JONES, Chairman.

Senate Bill No. 647 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 290—An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of said City of San José, a high school building, on the north side of the State Normal School grounds at San José, between Fifth and Sixth streets, in said city.

And presented the same to the Governor on this day, at eleven o'clock and fifty-five minutes A. M.

JONES, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 679—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 679, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 679 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Chapman, Doty, Franck, Gleaves, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Smith, Stratton, Trout, Withington, and Wolfe—23.
NAYS—None.

Title read and approved.

Assembly Bill No. 341--Relating to rights of way across mining claims.

Bill passed on file, but to retain its place.

SECOND READING OF BILLS.

Assembly Bill No. 902—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year. (Substitute for Assembly Bill No. 673.)

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 903—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith. (Substitute for Assembly Bill No. 650.)

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 905—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor. (Substitute for Assembly Bill No. 672.)

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

Bill passed on file, but to retain its place.

THIRD READING OF BILLS.

Assembly Bill No. 783—An Act to amend Section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways. (Substitute for Assembly Bill No. 196.)

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 783, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

SECOND READING OF BILLS.

Assembly Bill No. 374—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

During the second reading of the bill, the following substitute was submitted by Senator Wolfe:

SUBSTITUTE FOR ASSEMBLY BILL No. 374.

An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Health of every municipality and of every county in this State shall have the power to issue subpoenas to compel the attendance of witnesses before it, and to require the production by such witnesses, of books, papers, and documents, and matters relating to the public health or the sanitary regulations or conditions of a municipality, or county, and in matters relating to the management, conduct, and control of the health department of the municipality or county, or of its officers and employes; *provided, however,* that in no case shall any such subpoena be issued unless there first be filed with the said board a complaint in writing, which shall be verified in the manner in which complaints are verified in Justices' or Police Courts under the provisions of section fourteen hundred and twenty-six of the Penal Code, alleging the commission of a public offense relating to any of the matters above mentioned; and a copy of such complaint shall be attached to and served with every subpoena issued thereon.

SEC. 2. The subpoena shall be issued under the hand of a majority of the members of the board, or the president and secretary thereof (if there be a president and secretary), and shall be attested with the seal of said board, in the event that there be one; and said subpoena shall, with respect to its form, the manner of its service, and the person by whom it may be served, be regulated and controlled, as near as may be, by the law relating to the form and service of the subpoena in civil actions in this State.

SEC. 3. Any person who, being subpoenaed as in this Act required, refuses to obey said subpoena, or who, when in attendance upon said Board of Health in pursuance of said subpoena, refuses to be sworn, or to answer any question pertinent or relevant to any of the matters there under investigation, shall be guilty of a misdemeanor, and each successive refusal or disobedience shall constitute a distinct offense.

SEC. 4. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 382—An Act to repeal Sections 628a, 630, 632b, and 633, and to amend Sections 628, 635, and 636 of the Penal Code of the State of California, relating to fish.

Bill passed on file, but to retain its place.

Assembly Bill No. 554—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 361—An Act entitled an Act to amend the Political Code by adding a new section, requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 770—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under power of mortgages and trust deeds. (Substitute for Assembly Bill No. 148.)

Bill passed on file, but to retain its place.

Assembly Bill No. 623—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringements of the rights of trademarks.

Bill passed on file, but to retain its place.

LEAVE OF ABSENCE.

Senator Wolfe asked for and was granted a leave of absence for the remainder of the day.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 200—An Act to amend Sections 925, 928 of the Penal Code of the State of California, and add a new section to said Code, to be known as Section 929, relating to grand juries, their powers and duties.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out of lines 10 and 11, Section 2, page 2, of the printed bill, the words "and any," and inserting in lieu thereof the words "at an."

Amendment adopted.

Also: Amend by striking out in line 13, Section 2, page 2, of the printed bill, the word "especially," and inserting in lieu thereof the word "specially."

Amendment adopted.

Also: Amend by striking out of line 16, Section 2, page 2, of the printed bill, the word "that," and inserting in lieu thereof the word "who."

Amendment adopted.

Also: Amend by inserting before the word "this," in the last line, on page 3 of the printed bill, the word and figure "Sec. 4."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 434—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Luchsinger, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 5th day of March passed Assembly Bill No. 151—An Act to provide the mode of changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California.

Also: Assembly Bill No. 303—An Act to authorize the Board of Fish Commissioners of the State of California to purchase or construct a gasoline launch, to aid in carrying out the purposes of said board, and appropriating money therefor.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 151 read first time and referred to the Committee on City, City and County, and Town Governments.

Assembly Bill No. 303 read first time, and referred to the Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 5th day of March passed Assembly Bill No. 533—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-eighth fiscal year.

Also: Assembly Bill No. 534—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-seventh fiscal year.

Also: Assembly Bill No. 535—An Act making an appropriation to pay the deficiency in the appropriation for office rent of Attorney-General, in San Francisco, for the forty-eighth fiscal year.

Also: Assembly Bill No. 174—An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act, and now maintained by the State of California at Whittier, in the County of Los Angeles, therein, approved March 23, 1893, by amending Sections 4, 6, 9, 11.

Also: Assembly Bill No. 194—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 533, 534, and 535 read first time, and referred to the Committee on Finance.

Assembly Bill No. 174 read first time, and referred to the Committee on Public Buildings other than Prison Buildings.

Assembly Bill No. 194 read first time, and ordered on file without reference to committee.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 303—An Act to authorize the Board of Fish Commissioners to purchase or construct a gasoline launch, to aid in carrying out the purposes of said board, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

Assembly Bill No. 303 ordered on file for second reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 732—An Act to amend Sections 4, 6, 11, 12, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

FRANK, Chairman.

Senate Bill No. 732 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Flint offered the following resolution, and moved its adoption:

WHEREAS, The relations existing between the Empire of Japan and the Pacific Coast are of a cordial and close nature, by reason of our growing commerce with that nation, and by reason of the presence in our midst of many Japanese; therefore, be it

Resolved, That it is peculiarly fitting and proper that some distinguished citizen of this coast be selected as Minister to the Empire of Japan; and be it further

Resolved, That the Senate of California earnestly indorses for that position the Hon. Frank L. Coombs, Speaker of the Assembly, who for a portion of a previous Republican administration filled such office with ability and dignity.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Shine, Simpson, Toner, Trout, Voorheis, and Withington—24.

NOES—None.

LEAVE OF ABSENCE.

Senator Holloway asked for and was granted a leave of absence until next Wednesday.

Senator Shippee was granted a leave of absence for the day, as requested by Senator Withington.

Senator Doty asked for and was granted a leave of absence until Monday at eleven o'clock A. M.

Senator Bert asked for and was granted a leave of absence until Monday at eleven o'clock A. M.

Senator Langford was granted a leave of absence until Monday, as requested by Senator Voorheis.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposition of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Bill passed on file.

Senate Bill No. 621—An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation.

Senator Stratton asked unanimous consent to withdraw Senate Bill No. 621 and substitute therefor on file Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

Consent granted.

Senate Bill No. 621 withdrawn, ordered stricken from the file, and Senate Bill No. 647 substituted therefor on file.

Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 647, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 647 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Feeney, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Luchsinger, Morehouse, Simpson, Stratton, Trout, Voorheis, and Withington—21.

NOES—Senator Linder—1.

Title read and approved.

At three o'clock and fifty-five minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill passed on file.

MOTION.

Senator Simpson moved that the Senate adjourn.

AYES AND NOES.

The ayes and noes were demanded by Senators Withington, Bulla, and Braunhart.

The roll was called, and the motion to adjourn lost by the following vote:

AYES—Senators Bert, Feeney, Flint, Langford, Shine, Simpson, Stratton, and Voorheis—8.

NOES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Toner, Trout, and Withington—19.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions, or benefits, for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Bill passed on file, but to retain its place.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill passed on file, but to retain its place.

Senate Concurrent Resolution No. 10—Relative to abrogating Joint Rules XL, XLVIII, and XLIX.

Passed on file, but to retain its place.

Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to Folsom State Prison, in Sacramento County, and appropriating money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance, approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Bill passed on file, but to retain its place.

Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

Bill passed on file, but to retain its place.

Senate Bill No. 428—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1810, relating to the filing of accounts of guardians after their death.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 428, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 428 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Feeney, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Shine, Smith, Stratton, Trout, Voorheis, and Withington—23.

NOES—None.

Title read and approved.

Senate Bill No. 499—An Act to prescribe the duty of the Attorney-General and Insurance Commissioner, in regard to the admission of insurance corporations, associations, or individuals, to do business in this State.

Bill passed on file, but to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 498—An Act to provide for investigation of fires by the insurance department, and to make provisions for the expenses of the same.

Bill passed on file, but to retain its place.

Senate Bill No. 263—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices' Courts.

Bill passed on file, but to retain its place.

Senate Bill No. 366—An Act entitled an Act to amend the Political Code by adding a new section, requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

Bill passed on file, but to retain its place.

Senate Bill No. 409—An Act to amend Section 718 of the Civil Code of the State of California, relative to leases of city lots.

Bill passed on file, but to retain its place.

Senate Bill No. 553—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringements of the rights of trademarks.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 588—An Act to amend the Penal Code of the State of California, relating to fish and game, and to add a new section thereto, to be numbered 626j.

Bill passed on file, but to retain its place.

Senate Bill No. 631—An Act to add three new sections to "An Act to establish a Penal Code," approved February 14, 1872, to be numbered 627e, 627f, and 627g, relating to wild birds.

Senator Chapman asked unanimous consent to withdraw Senate Bill No. 631, and substitute therefor on file Senate Bill No. 680—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, to provide compensation for such services, and to distribute the moneys received on such claims.

Consent granted.

Senate Bill No. 631 withdrawn, ordered stricken from the file, and Senate Bill No. 680 substituted therefor on file.

Senate Bill No. 680—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, to provide compensation for such services, and to distribute the moneys received on such claims.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend, after the word "States," in the third line of the title, by inserting the word "and."

Amendment adopted.

Also: Amend by striking out all of the title after the word "services," in the third line.

Amendment adopted.

Also: Amend by striking out the word "receive," line 2, Section 1, and the word "and," line 3, Section 1.

Amendment adopted.

Also: Amend by striking out the word "when," in line 4, Section 1, and inserting in lieu thereof the word "upon."

Amendment adopted.

Also: Amend by striking out all of line 9, in Section 1, after the word "respectively," down to and including the word "collect," line 11, in said section.

Amendment adopted.

Also: Amend by striking out the word "receiving," in lines 11 and 12, in Section 1, and inserting in lieu thereof the word "recovering."

Amendment adopted.

Also: Amend by inserting at the end of line 16, Section 1, the following: "*and provided further, that nothing herein contained shall be construed as authorizing said agent to collect any sum or sums referred to in Senate Concurrent Resolution No. 36, adopted March 1, 1872, and Senate Concurrent Resolution No. 12, adopted February 26, 1881.*"

Amendment adopted.

Also: Amend by striking out all of Section 2, after the word "treasury," in line 4.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 378—An Act to prevent the use of paranzella, or drag-net, in the waters of this State.

Bill passed on file, but to retain its place.

Senate Bill No. 667—An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3009 and 3010 of said Political Code, and by repealing Sections 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of said Political Code, relating to the State quarantine service at San Francisco.

During the second reading of the bill, the following amendments were submitted by Senator Pedlar:

Amend by striking out of Section 1, line 15, the words "of the Pacific," and inserting in lieu thereof the word "Cooper," before the word "Medical," in same line.

Amendment adopted.

Also: Amend by striking out of Section 1 the whole of lines 23 and 24 as far as the word "county," inclusive.

Amendment adopted

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 557—An Act to prohibit the exercise by any person, other than a duly licensed physician or surgeon, of mesmeric or hypnotic influence upon any person or persons, and fixing a penalty for any violation of the provisions of this Act.

Bill passed on file, but to retain its place.

Senate Bill No. 149—An Act to amend Sections 379 and 1913 of the Code of Civil Procedure of the State of California, relating to parties defendant to civil actions and the effect of decrees.

Senator Stratton asked unanimous consent to withdraw Senate Bill No. 149.

Consent granted.

Senate Bill No. 149 withdrawn, and ordered stricken from the file.

Senate Bill No. 41—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by inserting at beginning of line 1, page 1 of the printed bill, the following: "Section 1."

Amendment adopted.

Also: Amend by inserting in line 25, page 2, Section 1 of the printed bill, after the word "owner," the words "and all persons deraining title from him, and all persons claiming an interest in said property."

Amendment adopted.

Also: Amend in line 52, Section 1, page 2 of the printed bill, by inserting after the word "persons," the words "*provided, however,* that in any event all claims of lien must be filed within ninety days after the completion of said building, improvement, or structure, or the alteration, addition to, or repair thereof."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 429—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1641, relating to the filing of accounts of executors and administrators after their death.

During the second reading of the bill, the following amendment was submitted by the committee :

Amend by striking out in line 2, Section 1, page 1, of the printed bill, the words "next after section sixteen hundred and forty."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 454—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Bill passed on file, but to retain its place.

Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons, at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend Section 1 by striking out said section, and inserting in lieu thereof the following :
SECTION 1. It shall be the duty of the Board of Railroad Commissioners to compel railroad corporations, operating railroads within the State, to attach to trains of coaches carrying passengers at least one coach in every train, to be known as second-class coaches, whenever in the judgment of said Board of Railroad Commissioners the public interest may so require.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 440—An Act to regulate the profession and provide for the registration of public accountants.

Bill passed on file, but to retain its place.

Senate Bill No. 482—An Act to amend Section 276 of the Code of Civil Procedure, relating to the examination of applicants for admission to practice law.

Bill passed on file, but to retain its place.

Senate Bill No. 277—An Act entitled "An Act to amend Section 3819 of the Political Code of the State of California," relating to the payment of taxes under protest.

Bill passed on file, but to retain its place.

Senate Bill No. 278—An Act to amend Section 3817 of the Political Code of the State of California, relating to the redemption of real estate sold for taxes.

Bill passed on file, but to retain its place.

Senate Bill No. 267—An Act to amend Section 276 of the Code of Civil Procedure, providing for the examination of and admission of applicants to practice as attorneys.

On motion of Senator Simpson, Senate Bill No. 267 was refused second reading.

Senate Bill No. 353—An Act to provide for the establishment of a board of examiners for the California State Therapeutic Society and College, which is to be self-sustaining.

On motion of Senator Pedlar, Senate Bill No. 353 was refused second reading.

Senate Bill No. 543—An Act to amend Sections 334 and 408 of the Political Code, and to repeal Section 410 thereof, relating to the duties of the Secretary of State, and to the distribution of reports and documents.

Senator Beard asked unanimous consent to withdraw Senate Bill No. 543, and substitute therefor on file Senate Bill No. 696—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities.

Consent granted.

Senate Bill No. 543 withdrawn, ordered stricken from the file, and Senate Bill No. 696 substituted therefor on file.

Senate Bill No. 696—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 411—An Act to prohibit attorneys at law from becoming sureties on bail bonds in any of the courts of this State, for the release or discharge of any person arrested or charged with the commission of any crime or misdemeanor, and prescribing the penalty therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 619—An Act providing for the maintenance and support of illegitimate children.

Bill passed on file, but to retain its place.

Senate Bill No. 551—An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Senator Simpson asked unanimous consent to withdraw Senate Bill No. 551, and substitute therefor on file Senate Bill No. 525—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Consent granted.

Senate Bill No. 551 withdrawn, ordered stricken from the file, and Senate Bill No. 525 substituted therefor on file.

Senate Bill No. 525—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Senator Simpson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Monday, March 8, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, March 5, 1897, was approved.

LEAVE OF ABSENCE.

Senator Denison was granted leave of absence for the day, as requested by Senator Stratton.

Senator Dwyer was granted leave of absence for the day, as requested by Senator Smith.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be instructed to draw his warrant, and the Treasurer to pay the same, for the sum of \$35, being the per diem of the History Clerk of the Senate from February 10th to 17th, inclusive; said per diem covering the time between the resignation of Albert Lindley and the appointment of A. Searl as such History Clerk, the duties of the position having been performed by A. Searl.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WITHINGTON, for the Committee.

The roll was called, and the report of the committee refused adoption by the following vote:

AYES—Senators Dickinson, Flint, Gillette, Jones, La Rue, Linder, Luchsinger, Pedlar, Trout, Voorheis, Withington, and Wolfe—12.

NOES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Feeney, Franck, Gleaves, Hall, Mahoney, Morehouse, Shine, Simpson, Stratton, and Toner—16.

The question recurring on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Franck, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Shine, Simpson, and Toner—17.

NOES—Senators Androus, Aram, Beard, Flint, Gillette, Jones, La Rue, Luchsinger, Pedlar, Seawell, Smith, Stratton, Trout, Voorheis, and Withington—15.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Attaches, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, On January 6, 1897, the Senate adopted a resolution appointing E. J. Niles Clerk to the Sergeant-at-Arms, at a per diem of \$6, and A. L. Tilton, J. F. Summers, and J. P. Carter, Porters, at a per diem of \$3 dollars; and

WHEREAS, By the provisions of Section 268 of the Political Code the Clerk to the Sergeant-at-Arms is entitled to \$8 per diem and Porters to \$4 per diem, and the Attorney-General has rendered an opinion that a resolution of the Senate cannot legally reduce this per diem; therefore, be it

Resolved, That each of the aforesaid employes be allowed the additional per diem due him by law from the date of his appointment, and that the Controller be and he is hereby authorized and directed to draw his warrant against the appropriation for contingent expenses of the Senate in payment of same.

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WITHINGTON, for the Committee.

The roll was called, and the report of the committee adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Bulla, Flint, Franck, Gillette, Henderson, Jones, La Rue, Linder, Luchsinger, Pedlar, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—19.

NOES—Senators Hall, Mahoney, Morehouse, Shine, and Toner—5.

EXPLANATION OF VOTE.

Senator Luchsinger stated that when he voted for Senate Bill No. 542 he thought he was voting for the Lake Tahoe Wagon Road bill, and voted for Senate Bill No. 542 by mistake.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 6th day of March amended, and passed as amended, Senate Bill No. 103—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Passed Assembly Bill No. 980—An Act to provide for an appropriation for the contingent expenses of the Assembly.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Bill No. 980 read first time, and referred to the Committee on Finance.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 103.

ASSEMBLY AMENDMENTS.

Strike out of line 9, Section 1, the words "and hook or ladder," and insert in lieu thereof the words "or hook and ladder."

Also: Insert in line 19, Section 1, after the word "thereof," the sentence, "He shall have exclusive control of the working of the fire department in time of conflagration or fire."

Also: Insert in line 28, Section 1, after the word "compensation," the words "which shall not be less than ten dollars per month."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 103?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Smith, Stratton, Toner, Voorheis, Withington, and Wolfe—28.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 108 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 4th day of March refused passage to Senate Bill No. 105—An Act relating to pawn-brokers, companies and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act.

Also: On the 5th day of March struck out the enacting clause from Senate Bill No. 176—An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools, and employment of teachers of physical culture.

Also: On the 6th day of March concurred in the Senate amendment to Assembly Bill No. 843—An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

REPORT OF SPECIAL COMMITTEE APPOINTED TO INVESTIGATE CHARGES MADE BY THE SAN FRANCISCO EXAMINER AGAINST MEMBERS OF THE SENATE.

MR. PRESIDENT: We, the undersigned, your committee to whom was referred the investigation of the charge of bribery made against the Senate of the State of California of the thirty-second session, with full power to act in the premises, and to issue subpoenas and bring witnesses before it and examine them as to the facts or the purported facts set forth in said charges, beg leave to report:

That in pursuance of the resolution unanimously adopted in the Senate on the 1st day of March, 1897, and under which we were appointed a committee, we undertook to make said investigation, and held a meeting for the purpose of examining witnesses on the 5th day of March, 1897, in room 16, in the Capitol building of this State, at the hour of half-past seven o'clock p. m. the said 5th day of March: that prior to that time we had caused subpoenas to be duly issued for various witnesses, and the same had been duly and regularly served, and the witnesses were present and appeared before your committee, amongst whom were A. M. Lawrence, the supervising editor of the San Francisco Daily Examiner, in which paper the said charges of bribery appeared; and also Al. Murphy, who was and is a correspondent of the San Francisco Daily Examiner from the State Capitol; and also L. L. Levings, who was and is a correspondent of the San Francisco Daily Examiner, and the reputed author of the article headed "Bribery in Aid of Thievery," published in the San Francisco Daily Examiner on the 27th day of February, 1897, upon which said article the resolution appointing your committee was made; that upon the hearing of said charges and the examination of said witnesses on said 5th day of March, 1897, the said A. M. Lawrence was duly sworn, and after stating under oath that he was the editor of the San Francisco Daily Examiner and had read the article in question, your committee, in furtherance of the interests for which it was appointed, and desirous of securing the information from Mr. Lawrence in regard to the publication of said article, through Senator Morehouse, acting as counsel for the Senate, the following questions were propounded and the following answers given, and the proceedings took place as herein stated. Your committee, through Senator Morehouse, propounded to said A. M. Lawrence the following question:

Question by Senator Morehouse: "Did you have or see any writings, independent of a telegraphic dispatch or dispatches, concerning the article in question?"

This question was objected to by counsel for witness, and the objection being overruled, Senator Morehouse propounded the following question:

"Did you have any writing concerning this article other than the telegraphic dispatches?"

Which question was objected to by counsel for witness, and the objection being overruled by your committee, witness answered as follows:

Answer: "I had other information."

Question by Senator Morehouse: "Other information in writing?"

Answer: "I decline to tell you."

Senator Morehouse: "I insist on an answer."

Answer: "Yes."

Question by Senator Morehouse: "From whom?"

Which question was objected to, and your committee overruled the objection, and thereupon Senator Morehouse repeated the question, as follows:

Question: "From whom?"

Answer: "I decline to answer."

Question by Senator Morehouse: "Where is that writing now?"

Which question was objected to, and the chairman of your committee directed the witness to answer, which he declined to do; thereupon Senator Morehouse propounded the following questions:

Question: "Where is that writing now?"

Answer: "I have not the remotest idea."

Question: "What did you do with it?"

Answer: "I destroyed it or threw it away."

Question: "How did you destroy that, Mr. Lawrence?"

Answer: "I decline to answer."

Question: "The contents of the writing, did it or did it not have relation to the subject-matter of the article printed in the San Francisco Daily Examiner last Saturday, headed 'Bribery in Aid of Thievery'?"

Which question the witness declined to answer. Thereupon Senator Morehouse asked the witness what was the contents of the writing which he had destroyed or thrown away, and the witness declined to answer the question or to give any information of the contents of the paper or document which he had destroyed or thrown away, or the source from which he derived it. And your committee reports that as the San Francisco Daily Examiner has made the charges set forth in the article hereinbefore referred to, and was supposed to have, and is presumed to have the information in its possession upon which the article is based, that it cannot proceed further with the examination of said witness until the further action of this Senate in their behalf. And upon the said examination of witnesses so held, as aforesaid, on the 5th day of March, 1897, said witness Al. Murphy was placed upon the witness stand, and, after being duly sworn, he testified that he was connected with the San Francisco Daily Examiner, and a correspondent for said paper. Amongst other things, the following proceedings were had:

Question by Senator Morehouse: "Do you know of your own knowledge of any communication from the City of Sacramento to any person connected with the Examiner, either on last Saturday or two weeks or ten days prior to that time?"

Witness: "Of any person?"

Senator Seawell: "Yes."

Witness: "Would that include myself?"

Question: "If you sent any communication to the Examiner."

Answer: "Of any communication that I might have seen? I do not think I can answer that question, unless Mr. Hearst consents to my doing so."

Question: "Did you see any communication written by any person connected with the Examiner which you know of your own knowledge to have been forwarded to that paper concerning the subject-matter in question?"

Answer: "I shall have to decline to answer that question for the same reason given. I do not desire to be in contempt of the committee, but I shall have to decline to answer the question under these circumstances."

Senator Seawell: "I understand you refuse to answer unless released by the manager?"

Answer: "That is it, Senator."

Mr. Chairman: "The ruling is made upon the question submitted."

Witness: "I refuse to answer that."

Mr. Chairman: "That is not the question."

Senator Morehouse: "The only purpose of the question is to find out who furnished the information; that is all."

Mr. McNerny: "We have stated our position in the matter and will adhere to it."

Senator Morehouse: "I will ask you, Mr. Murphy, if you know who was the author of the article headed 'Bribery in Aid of Thievery,' published in the San Francisco Examiner?"

Answer: "I do not know absolutely. I can guess, but I do not know absolutely. I can tell more or less by the style of the article. I think I know, but I could not say positively."

And your committee reports that it will be thus seen that your committee cannot proceed further with the examination of said witness, for the reason that he, the said witness, the same as the said A. M. Lawrence, refuses to answer questions pertinent to the issue, or to furnish to your committee any information claimed to be in the possession of the San Francisco Examiner.

And on the said 5th day of March, 1897, at the time and place aforesaid, your committee had before it as a witness, L. L. Levings, also a reporter, and correspondent of the San Francisco Daily Examiner, and after he was duly sworn and testified as to his relations to the San Francisco Daily Examiner, the following occurred during the course of said examination:

Question by Senator Morehouse: "Do you know of your own knowledge of any telegram sent by any member of the Senate, or received by any member of the Senate, to influence his vote for or against or to withhold his vote on Assembly Bill No. 273?"

Answer: "I shall decline to answer, and wish to explain."

Mr. Chairman: "State your reasons. I suggest that you answer the question."

Senator Morehouse: "Why do you decline to answer?"

Answer: "Because should it be within my knowledge of any telegram having passed between members of the Senate and persons outside, relative to this matter, and I should be required to answer as to my knowledge, I would be violating the confidence that would not only ruin me as a newspaper man, but would be giving away information that belongs to my employers, which my employers pay for, and which is their property, and not mine."

Mr. Chairman: It is the sense of the committee that the explanation is not sufficient. The question will be repeated to him.

And thereupon the reporter repeated the question aforesaid, and the witness said: "I ask permission to have time to answer, and would like to make further explanation, in order that the committee may not think I am acting arbitrarily." The question was thereupon repeated to the witness, and the witness answered: "I decline to answer"; and your committee hereby reports that it will be seen that the aforesaid witnesses, all of whom are connected with the San Francisco Daily Examiner, refused and declined to answer the questions propounded to them relative to the subject-matter contained in the said article so published in the San Francisco Daily Examiner, or to give this committee any information in their possession concerning or relating to the vote of the Senators on Assembly Bill No. 273, or relating to the charge of bribery made in the said article so published in the said San Francisco Daily Examiner on the morning of the 27th day of February, 1897.

Wherefore, your committee render the foregoing report, and request further instructions from the Senate. Respectfully submitted.

DICKINSON,
SEAWELL,
ARAM,
Committee.

RESOLUTION—(OUT OF ORDER).

Senator Morehouse offered the following resolution, and moved its adoption:

WHEREAS, There appeared in the San Francisco Daily Examiner of February 27, 1897, an article headed "Bribery in Aid of Thievery," wherein it was charged that certain Senators who voted in favor of Assembly Bill No. 273 had received bribes ranging in amounts from \$350 to \$500 to cast their votes for said Assembly Bill No. 273; and

WHEREAS, Thereafter, on the 1st day of March, 1897, this honorable Senate, upon resolution duly adopted, appointed Senators John H. Dickinson, Eugene Aram, and J. H. Seawell as a committee to investigate the charges so made as aforesaid in said article so published as aforesaid in said newspaper, with full power to issue subpoenas, swear and examine witnesses, and to make a complete, perfect, and full investigation of the alleged bribery set forth in said newspaper; and

WHEREAS, Said committee so appointed by this Senate undertook to discharge its said duty of investigating the said charge of bribery; and

WHEREAS, Subpoenas were duly and regularly issued, and duly and regularly served, upon A. M. Lawrence, managing and supervising editor of the San Francisco Daily Examiner, and upon L. L. Levings, the correspondent of the San Francisco Daily Examiner, and reputed author of said article, and upon Al. Murphy, also a correspondent of the said San Francisco Daily Examiner; and

WHEREAS, In pursuance of said subpoenas, so issued and served, the said witnesses appeared before the said committee of investigation of this Senate, in room number 16 of the Capitol building, at Sacramento, at the hour of half-past seven o'clock, on March 5, 1897, and each of the said witnesses, being severally duly sworn, and during the course of the examination, refused to answer questions pertinent to the said issue as to their knowledge touching the matter set forth in said article, and to papers which were admitted to have been in their possession, or to telegrams which they had seen and had knowledge of; and

WHEREAS, The truth of the said article is supposed to rest and be in the knowledge of these said witnesses; and

WHEREAS, They are supposed to have caused the said article to be published; and

WHEREAS, The said witnesses have refused to answer questions relating to and pertinent and material to the investigation before the said committee; and

WHEREAS, The said committee has reported to this Senate the refusal of said witnesses to testify or to answer questions material to the investigation; now, therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized and directed to bring all of said witnesses, upon subpoena to be issued by the said committee through its Chairman, before the bar of this Senate forthwith, and then and there to answer the questions propounded to them, and which they declined and refused to answer, and that upon the service of the said subpoena upon said witnesses, if they refuse or fail to attend at the time aforesaid at the bar of the Senate, that the Sergeant-at-Arms be and he is hereby authorized and empowered, upon warrant issued by the said committee of investigation through its Chairman, to arrest said witnesses and bring them before the bar of the Senate, that they may purge themselves of contempt in refusing to answer the said questions; and be it further

Resolved, That upon the appearance of said witnesses, if they so desire it, that they collectively may have counsel to represent them, but that said counsel shall not be permitted to occupy more than one half hour of time; and be it further

Resolved, That upon the said witnesses being brought before the bar of the Senate, that the President of the Senate shall ask them if they have any cause to show why they should not be punished for contempt, in refusing to answer the questions propounded to them by said committee, through its counsel.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Buila, Chapman, Dickinson, Flint, Franck, Gillette, Gleaves, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Trout, Voorheis, and Wolfe—22.

NOES—Senators Bert, Braunhart, Doty, Feeney, Hall, La Rue, Prisk, Seawell, Smith, Stratton, and Withington—11.

EXPLANATION OF VOTE.

By Senator Withington:

I vote against the resolution, because the committee is not unanimous in the opinion that the testimony sought to be elicited is material to vindicate the integrity of the Senate and its members. In my opinion there is no such necessity, and I believe, after hearing the testimony, the witnesses have admitted, and the people of this State believe, that the charges made are absolutely without foundation, and that further investigation is unnecessary. A further reason is that the persons to be brought before the bar are but the instruments and servants of the owner of the paper, who is beyond the jurisdiction of the Senate.

MOTION.

Senator Flint moved that the Secretary be instructed to telegraph to the Hon. George C. Perkins, United States Senator at Washington, the resolution adopted Saturday, March 6, 1897, in regard to the appointment of Hon. Frank L. Coombs to the office of Minister to Japan.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 980—An Act to provide for an appropriation for the contingent expenses of the Assembly—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

Assembly Bill No. 980 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Voorheis offered the following resolution:

Resolved, That Assembly Bill No. 980 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aram, Beard, Braunhart, Buila, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—27.

NOES—None.

CASE OF URGENCY—SECOND AND THIRD READING OF BILL.

Assembly Bill No. 980—An Act to provide for an appropriation for the contingent expenses of the Assembly.

Bill read second and third times.

The roll was called, and Assembly Bill No. 980 finally passed by the following vote:

AYES—Senators Aram, Beard, Bulla, Chapman, Dickinson, Feeney, Franck, Gillette, Gleaves, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—24.

NOES—None.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 469—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State, to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 339, have examined the same, and report that the object cannot be secured under existing laws, and contains no unconstitutional provisions, and that the same is correct in text and reference, except as follows: The word and figure "Sec. 1" should be inserted at the beginning of line 3 of Section 1; also, the word and figure "Sec. 2" should be inserted at the beginning of line 2 in Section 2; also, insert after the word "one," in line 1 of Section 1, the words "of an Act entitled 'An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State, to provide pensions or benefits for the relief of aged, infirm, or disabled firemen,' approved March 11, 1889"; also, insert the words "of said Act," in line 1 of Section 2, after the word "two."

They therefore recommend that Senator Voorheis be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In accordance with the recommendation of the Committee on Rules and Revision, Senator Voorheis was appointed a special committee of one to amend the bill as suggested by the committee.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 339, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee

The report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 496, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 496 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Hall, Jones, Langford, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Simpson, Stratton, Toner, and Withington—24.

NOES—Senator Trout—1.

Title read and approved.

Senate Concurrent Resolution No. 10—Relative to abrogating Joint Rules XL, XLVIII, and XLIX.

Passed on file, but to retain its place.

Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 513, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. The report of your committee is based upon the opinion of the Attorney-General of this State in relation to Senate Bill No. 542.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senators Bulla, Withington, and Henderson were excused for thirty minutes, as requested by Senator Simpson.

Senator Toner asked for and was granted leave of absence until Wednesday.

MOTION.

On motion of Senator Dickinson, the hearing in regard to the Examiner matter was postponed until the evening session.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 385—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors, respecting roads.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 385 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Stratton, Trout, and Voorheis—23.

NOES—Senator Smith—1.

Title read and approved.

Assembly Bill No. 30—An Act regulating the mode of operating mines where blasting is being done, and providing for the printing and circulating of copies of this Act.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 30, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: The title should be amended by striking out all words after the word "done."

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 30 refused final passage by the following vote:

AYES—Senators Aram, Braunhart, Feeney, Gillette, Gleaves, Jones, La Rue, Prisk, Seawell, Stratton, and Withington—11.

NOES—Senators Androus, Beard, Chapman, Dickinson, Doty, Flint, Franck, Hall, Henderson, Langford, Luchsinger, Mahoney, Morehouse, Shine, Shippee, Smith, Trout, and Voorheis—18.

SECOND READING OF BILLS.

Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

During the second reading of the bill, the following amendments were submitted:

By Senator Withington:

Amend by striking out the two lines after title of Assembly Bill No. 730, and inserting in lieu thereof the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

By the committee:

On page 8, line 18 of Section 15, after the word "appurtenances," insert "but no purchase of any waters or water rights, or canals or reservoirs, or reservoir sites, or irrigation works, or other real property of any nature or kind, for any price in excess of ten thousand dollars, shall be final or binding on the district, nor shall the purchase price thereof be paid, until a petition of a majority of the holders of title or evidence of title to lands within the district, such holders of title or evidence of title representing a majority in value of said land, according to the last equalized assessment roll of the district, shall have been filed with the board, and an order of the board made thereon confirming such purchase."

Amendment adopted.

Also: Amend by striking out of Section 25 the words "filling vacancies," between lines 14 and 15.

Amendment adopted.

Also: Amend by striking out of Section 31, lines 12, 13, 14, and 15, the words "is to say, the several enumerated percentages of bonds—not per cent of each bond—each bond being wholly payable at a given time, and not a per cent thereof," and inserting the following: "the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at a given time for its entire amount, and not for a percentage."

Amendment adopted.

Also: On page 19, line 6 of Section 39, strike out the words "said board shall, unless otherwise provided"; also, strike out on page 20, same section, all of lines 7, 8, and 9, and line 10 down to and including the words "of such district."

Amendment adopted.

Also: On page 22, Section 42, strike out all of lines 30 to 41, both inclusive.

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 43, lines 4 and 5, the words "one half of which must go to the district, and the other to the collector, for preparing the list."

Amendment adopted.

By the committee:

Amend by inserting in Section 43, line 16, after the words "or sales," the following: "*and provided further*, that in any district where the validity of any assessment shall be in litigation at the time this Act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months."

Amendment adopted.

Also: Amend by striking out of Section 43, line 14, the word "injunction," and inserting the following: "legal proceedings."

Amendment adopted.

Also: Amend by striking out of Section 43, line 15, the words "the injunction," and inserting the following: "such proceedings."

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 44, line 9, the words "to the collector."

Amendment adopted.

By the committee:

On page 23, Section 44, strike out from and including the words "*provided, however*," on line 33, to and including line 38 of the same section, on page 24.

Amendment adopted.

Also: Amend by inserting in Section 47, line 11, after the word "delivered," the following: "or when such deed has been made to the district, and the district has not disposed of the same."

Amendment adopted.

Also: Amend by striking out of Section 57, line 6, the words "the other officers named in the," and inserting the following: "all officers named in the."

Amendment adopted.

Also: On page 33, strike out all of Section 68, and change the number of Section 69 to 68, and of 70 to 69, and of 71 to 70, and of 72 to 71, and of 73 to 72, and of 73½ to 73.

Amendment adopted.

By Senator Withington:

Amend by striking out of Section 72, lines 9 and 10, the words "made upon the minutes of the court, and."

Amendment adopted.

By the committee:

Amend by inserting in Section 109, line 4, after the word "nature," the following: "but said districts shall become subject to the provisions of this Act, so far as applicable."

Amendment adopted.

Also: Amend by striking out of Section 110, lines 4 and 5, the words "of like title with this Act," and inserting the following: "An Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, by amending section seventeen thereof."

Amendment adopted.

By the committee:

Amend by striking out of Section 39, line 6, the word "shall," and inserting in lieu thereof the following: "may."

Also: In line 9, the word "one," and inserting in lieu thereof the words "half of one."

Amendment lost.

Also: Amend by adding to Section 44, line 38, the words "but said district shall first give general notice, once a week for four weeks, in some newspaper published in said district, or if there is no newspaper in the district, then in some newspaper published in the county in which the office of the board of directors is kept, of said proposed conveyance."

Also: Amend by striking out of Section 44, line 37, the words "the penalty and interest penalty," and inserting the following: "all penalties."

Amendment lost.

Also: On page 33, Section 69, line 1, strike out the words "may at any time," and in lieu thereof insert the words "shall within thirty days"; and on line 2, strike out "or the levy of any assessment"; and on line 5, strike out "or such levy of assessments"; and on line 12, change "10" to "30," and on line 14, change "10" to "30," and on line 16 strike out "or assessments"; and on line 20 change "rendition" to "entry."

Amendment lost.

Bill read second time, and ordered to print.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 341—Relating to rights of way across mining claims.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 341, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee is of the opinion that said bill is unconstitutional.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 341 refused final passage by the following vote:

AYES—Senators Aram, Braunhart, Doty, Feeney, Gleaves, Jones, and Voorheis—7.
NOES—Senators Beard, Bulla, Dickinson, Flint, Franck, Gillette, Henderson, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Wolfe—22.

Assembly Bill No. 902 (Substitute for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Bill read third time, and re-referred to the Committee on Judiciary.

Assembly Bill No. 903 (Substitute for Assembly Bill No. 650)—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Bill read third time, and re-referred to the Committee on Judiciary.

Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California.

Bill read third time, and re-referred to the Committee on Judiciary.

Assembly Bill No. 905—(Substitute for Assembly Bill No. 672)—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Bill read third time, and re-referred to the Committee on Judiciary.

At three o'clock and twenty-five minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

THIRD READING OF BILLS.

Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

Bill passed on file, but to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 469—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Senate Bill No. 363 (reengrossed)—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco, to create a sinking fund for

the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people.

JONES, Chairman.

Senate Bills Nos. 469 and 363 ordered on file for third reading.

SPECIAL ORDERS—MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Smith moved a reconsideration of the vote whereby Assembly Bill No. 433 was refused final passage.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Smith moved a call of the Senate, at three o'clock and forty-five minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe.

The Secretary then announced that Senators Boyce, Mahoney, Flint, Morehouse, Seawell, and Voorheis were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At three o'clock and fifty-five minutes P. M., Senators Flint and Voorheis were brought before the bar of the Senate.

On motion of Senator Smith, the Senators were excused for absence.

On motion of Senator Withington, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that the motion to reconsider the vote whereby Assembly Bill No. 433 was on a previous day refused final passage, was lost by the following vote:

AYES—Senators Beard, Bert, Braunhart, Doty, Dwyer, Feeney, Gleaves, Langford, La Rue, Linder, Mahoney, Pedlar, Prisk, Seawell, Shine, Smith, Stratton, Trout, and Wolfe—19.

NOES—Senators Androus, Aram, Bulla, Chapman, Dickinson, Flint, Franck, Gillette, Hall, Henderson, Jones, Luchsinger, Shippee, Simpson, and Withington—15.

Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, southward from its present southerly terminus, near the foot of Mission Street, on the waterfront of the City and County of San Francisco.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 363 passed by the following vote:

AYES—Senators Androus, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shine, Simpson, Stratton, Withington, and Wolfe—26.

NOES—Senator Trout—1.

Title read and approved.

POSTPONEMENT OF NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson asked unanimous consent to continue his notice of motion to reconsider the vote whereby Senate Bill No. 486 was on a previous day refused passage, until to-morrow, immediately after approval of Journal.

Consent granted.

GENERAL FILE—THIRD READING OF BILLS.

Substitute for Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance, approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Bill re-referred to the Committee on Judiciary, but to retain its place on file.

Substitute for Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 501, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Morehouse, Senator Bulla was appointed a special committee of one to amend bill as follows:

Insert the word and figures on line 3, after the figure "3," "Section 427."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 501, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 499—An Act to prescribe the duty of the Attorney-General and Insurance Commissioner, in regard to the admission of insurance corporations, associations, or individuals, to do business in this State.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 499, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

SEAWELL, for the Committee.

The roll was called, and Senate Bill No. 499 refused passage by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Chapman, Doty, Dwyer, Franck, Gleaves, Henderson, Linder, Mahoney, Morehouse, Simpson, Trout, and Wolfe—16.

NOES—Senators Bert, Jones, Luchsinger, Seawell, Shippee, Stratton, and Withington—7.

NOTICE OF MOTION TO RECONSIDER.

Senator Bert gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 499 was this day refused passage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 151—An Act to provide the mode for changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GILLETTE, Chairman.

Assembly Bill No. 151 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 6th day of March passed Assembly Bill No. 225—An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California.

Also: Assembly Bill No. 158—An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the Port of San Francisco.

Also: On March 8th passed Assembly Bill No. 937—An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 225 read first time, and ordered on file for second reading.

Assembly Bill No. 158 read first time, and referred to the Committee on Commerce, Rivers, Harbors, and Coast Defenses.

Assembly Bill No. 937 read first time, and referred to the Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 198—An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California.

Also: Senate Bill No. 332—An Act to amend Section 1841 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

S. J. DUCKWORTH, Chief Clerk.

Senate Bills Nos. 198 and 332 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day struck out the enacting clause of Senate Bill No. 142 - An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

S. J. DUCKWORTH, Chief Clerk.

GENERAL FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file, but to retain its place.

Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Bill passed on file, but to retain its place.

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill passed on file, but to retain its place.

Senate Bill No. 469—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

The bill having been passed on file temporarily, it was taken up and read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 469, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 469 passed by the following vote:

AYES—Senators Androus, Beard, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—26.
NAYS—None.

Title read and approved.

RECESS.

At four o'clock and forty-one minutes P. M., on motion of Senator Voorheis, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Dickinson, Doty Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 680—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, and to provide compensation for such services.

Also: Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3009 and 3010 of said Political Code, and by repealing Sections 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of said Political Code, relating to the State quarantine service at San Francisco.

Also: Senate Bill No. 41—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

Also: Senate Bill No. 429—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1641, relating to the filing of accounts of executors and administrators after their death.

Also: Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith.

JONES, Chairman.

Senate Bills Nos. 680, 623, 41, 429, and 678 ordered on file for third reading.

REPORT OF COMMITTEE ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your committee on conference concerning Assembly Bill No. 372—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries—report that we have met a like committee of the Assembly, consisting of Assemblymen North, Shanahan, and Dibble, and we report that the committee were unable to agree, and recommend the appointment of a committee of free conference.

WITHINGTON,
BULLA,
HENDERSON,
Committee.

On motion of Senator Withington, the report of the committee on conference was adopted.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the suggestion of the committee on conference, the President appointed Senators Stratton, Gillette, and Dwyer as a committee of free conference, to act with a like committee from the Assembly in regard to Assembly Bill No. 372.

REPORT OF COMMITTEE ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your conference committee, appointed under Assembly Concurrent Resolution No. 10, recommend the adoption of a concurrent resolution fixing the time

of adjournment of the Legislature for the 16th instant. Also, a concurrent resolution dispensing with Joint Rules XL, XLVIII, and XLIX.

FLINT,
SIMPSON,
LA RUE,
Senate Committee.

COOMBS,
A. W. NORTH,
BURNETT,
Assembly Committee.

On motion of Senator Flint, the report of the committee on conference was adopted.

COMMUNICATIONS.

The following telegram was presented by Senator Seawell, and read:

SAN FRANCISCO, CAL., March 8, 1897.

To Senators J. H. DICKINSON, SEAWELL, and ARAM, Sacramento, Cal.:

Have been detained here on business all day. Can you continue hearing until to-morrow morning?

(Signed:) GEORGE A. KNIGHT.

Also, the following by Senator Stratton:

SAN FRANCISCO, CAL., March 8, 1897.

To Senator FRED. STRATTON, Sacramento, Cal.:

Will you urge continuance until to-morrow morning of Examiner case? Have been detained here. Will be up to-night.

(Signed:) GEORGE A. KNIGHT.

MOTION TO POSTPONE INVESTIGATION.

Senator Mahoney moved that action on the investigation of charges made by the Examiner be postponed until to-morrow morning, at eleven o'clock.

The roll was called, and the motion carried by the following vote:

AYES—Senators Aram, Bert, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Hall, Henderson, La Rue, Luchsinger, Mahoney, Prisk, Seawell, Smith, Stratton, and Wolfe—18.

NOES—Senators Androus, Beard, Chapman, Flint, Franck, Gillette, Gleaves, Jones, Langford, Morehouse, Pedlar, Shine, Shippee, Simpson, Trout, Voorheis, and Withington—17.

The President, as requested by Senator Dickinson, Chairman of the Committee of Examiner Investigation, notified the parties to be present at eleven o'clock A. M. to-morrow.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 671—An Act providing for the publication of the laws in the newspapers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 294—An Act for the improvement of the harbor of San Diego, and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses incident to securing possession of the tide lands on the Bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also: Senate Bill No. 418—An Act to appropriate money for the support of aged persons in indigent circumstances.

Also: Senate Bill No. 713—An Act making an appropriation to pay the claim of James W. Travers, for advertising the constitutional amendments in the Alameda Daily Evening Ensign.

Also: Senate Bill No. 731—An Act making an appropriation to pay the claim of E. L. Marshall, for advertising the constitutional amendments in the Alameda Daily Morning Telegram.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 371—An Act making an appropriation for improving the Capitol buildings and grounds—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 533—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-eighth fiscal year.

Also: Assembly Bill No. 534—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-seventh fiscal year.

Also: Assembly Bill No. 535—An Act making an appropriation to pay the deficiency in the appropriation for office rent of the Attorney-General in San Francisco, for the forty-eighth fiscal year.

Also: Assembly Bill No. 156—An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, for moneys expended in behalf of the State of California, for foreclosing State school lands, in Colusa County, State of California.

Also: Assembly Bill No. 646—An Act making an appropriation to pay the claim of James V. Hicks against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 709—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

Also: Senate Bill No. 431—An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor, during the year 1894—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn, as it is identical with Assembly Bill No. 478.

VOORHEIS, Chairman.

Senate Bills Nos. 671, 294, 418, 713, 731, and 371, and Assembly Bills Nos. 533, 534, 535, 156, and 646 ordered on file for second reading.

Senate Bills Nos. 431 and 709 withdrawn and ordered stricken from the file.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Senate Bill No. 652—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.

Senator Simpson asked unanimous consent to withdraw Senate Bill No. 652, and substitute therefor on file Assembly Bill No. 810—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.

Consent granted.

Senate Bill No. 652 withdrawn, ordered stricken from the file, and Assembly Bill No. 810 substituted therefor on file.

RESOLUTION—(CASES OF URGENCY).

Senator Simpson offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 810, 828, and 483 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that

section, requiring that bills shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—27.

NOES—None.

Assembly Bill No. 810—An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.

Bill read second and third times.

The roll was called, and Assembly Bill No. 810 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Dickinson, Doty, Flint, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senator Withington asked unanimous consent to have Senate Bill No. 294 placed on the special urgency file in the place allotted to him.

Consent granted, and Senate Bill No. 294 placed on the special urgency file as requested.

Senate Bill No. 294—An Act for the improvement of the harbor of San Diego, and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses incident to securing possession of the tide lands on the Bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego.

Senator Withington asked unanimous consent to have Senate Bill No. 294 placed on the urgency file and read second time.

Consent granted.

During the second reading of the bill the following amendments were submitted.

By Senator Withington:

Amend by striking out title, and inserting the following as the title: "An Act for the improvement of the harbor of San Diego, and to appropriate money therefor."

Amendment adopted.

By the committee:

Amend by striking out of Section 1, line 1, the word "fifty," and inserting the following: "forty-five."

Amendment adopted.

Also: Insert the words "Sec. 1" before the word "The," in line 1.

Amendment adopted.

Also: "Sec. 2" before the last line.

Amendment adopted.

Also: By striking out of Section 1, lines 4, 5, and 6, the words "and to purchase a dredger for use in the said bay, and to pay legal expenses incurred in securing the

possession of the tide lands in said bay, and paying other indebtedness of the." and inserting the words "by the" before the word "State," in line 7.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

At eight o'clock and fifty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 502—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to the appointment of special administrators.

Bill read second and third times.

The roll was called, and Senate Bill No. 502 passed by the following vote:

AYES—Senators Androus, Beard, Bulha, Chapman, Doty, Flint, Franck, Gillette, Gleaves, Jones, La Rue, Luchsinger, Mahoney, Morchouse, Pedlar, Seawell, Shine, Shippee, Stratton, Trout, Voorheis, and Withington—22.

NOES—None.

Title read and approved.

Senate Bill No. 209—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Senator Shine asked unanimous consent to withdraw Senate Bill No. 209 from the special urgency file, and have the same placed on the twelve-day file.

Consent granted.

Senate Bill No. 209 stricken from the special urgency file and ordered on the twelve-day file.

Senate Bill No. 303—An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

Senator Seawell asked unanimous consent to withdraw Senate Bill No. 303 from the special urgency file and have the same placed on the twelve-day file.

Consent granted.

Senate Bill No. 303 stricken from the special urgency file and ordered on the twelve-day file.

Assembly Bill No. 770 (Substitute for Assembly Bill No. 148)—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under power of mortgages and trust deeds.

Senator Seawell asked unanimous consent to have Assembly Bill No. 770 placed on the special urgency file and read second time.

Consent granted.

During the second reading of the bill the following amendment was submitted by Senator Voorheis:

Amend by striking out of Section 1, line 10, the word "twelve," and inserting in lieu thereof the following: "three."

Amendment lost.

Bill read second time, and ordered to print, to retain its place on file.

Assembly Bill No. 828—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties, and provide for his compensation and the liability of mining operators.

During the second reading of the bill, the following amendment was submitted by Senator Prisk:

Amend by striking out of Section 2, lines 11 and 12, the words: "and the fact that the danger was known to such employes shall be no defense against such liability."

Amendment adopted.

Bill read second time, and on motion of Senator Simpson re-referred to the Committee on Finance.

Senate Bill No. 668—An Act to amend Section 599 of the Civil Code, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.

Bill read second and third times.

The roll was called, and Senate Bill No. 668 passed by the following vote:

AYES—Senators Aram, Beard, Bulla, Chapman, Dickinson, Flint, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—26.
NOES—None.

Title read and approved.

Senate Bill No. 425—An Act to amend Section 671 of the Code of Civil Procedure of the State of California, relating to judgment liens.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out in line 7, Section 1, page 1, of the printed bill, the words "entered, whether at law or in equity," and insert instead thereof the word "docketed."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 626—An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act.

Senator Luchsinger asked unanimous consent to withdraw Senate Bill No. 626, and substitute therefor on file Assembly Bill No. 727—An Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act."

Consent granted.

Senate Bill No. 626 withdrawn, ordered stricken from the file, and Assembly Bill No. 727 substituted therefor on file.

Assembly Bill No. 727—An Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act."

During the second reading of the bill, the following amendment was submitted by Senator Seawell:

Strike out of Section 1, line 30, the words "Counties of Lake and," and insert in lieu thereof "County of."

Amendment adopted.

Bill read second time, and ordered to print.

At nine o'clock and forty-five minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Senate Bill No. 248—An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895.

Bill read third time.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Chapman, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—25.
NOES—Senator Bulla—1.

Title read and approved.

ADJOURNMENT.

On motion of Senator Voorheis, at nine o'clock and fifty-eight minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 9, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Saturday, March 6, 1897, was approved.

SPECIAL ORDER.

Senator Dickinson asked unanimous consent to have his notice of motion to reconsider the vote whereby Senate Bill No. 486 was refused passage, postponed temporarily.

Consent granted, and notice of motion to reconsider postponed temporarily.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 623—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringements of the rights of trademarks—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 739—An Act to amend Section 199 of the Code of Civil Procedure, relative to the disqualification of jurors.

Also: Assembly Bill No. 867—An Act to amend Section 647 of the Penal Code of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 97—An Act to amend Section 2924 of an Act entitled "An Act to establish a Civil Code"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 902 (Substitute for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Also: Assembly Bill 903 (Substitute for Assembly Bill No. 650)—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Also: Assembly Bill No. 904 (Substitute for Assembly Bill No. 674)—An Act to provide for the classification of the roads in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that the same are constitutional, as amended.

Also: Assembly Bill No. 905 (Substitute for Assembly Bill No. 672)—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same is constitutional.

Also: Assembly Bill No. 682—An Act providing for the publication of legal or official advertising—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

Assembly Bills Nos. 623, 739, 867, 97, and 682 ordered on file for second reading.

Assembly Bills Nos. 902, 903, 904, and 905 ordered on file for third reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 327—An Act adding a new section to the Civil Code, relating to the location of, and to compel the construction of, depots, stations, sidetracks, switches, turnouts, and spurs, by transportation companies, in the State of California, and fixing a penalty for failure to comply therewith.

Also: Assembly Bill No. 438—An Act to prevent the granting of franchises or privileges for the construction, extension, or operation of railroads over or upon county roads or highways, by Boards of Supervisors of the several counties of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

DICKINSON, Chairman.

Assembly Bills Nos. 327 and 438 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly returns to you for correction in relation to the amendments, as they appear not to be in proper shape, the following bills:

Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment, and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided, as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporations, and to provide for the disposition of any fines recovered from corporations violating the same.

Also: Assembly Bill No. 827—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Also: On the 6th day of March, passed Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 8—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Also: On the 8th day of March, passed Assembly Bill No. 320 (Substitute for Assembly Bill No. 758)—An Act making an appropriation to pay the expenses of experts, and the costs and expenses of litigation, of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKEET, Assistant.

Senate Bills Nos. 14 and 8 ordered to enrollment.

Assembly Bill No. 320 read first time, and, on motion of Senator La Rue, ordered on file for second reading without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 42—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized.

Also: Amended, and passed as amended, Senate Bill No. 494—An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506 of the Political Code, relating to State Normal Schools.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 402 read first time, and referred to the Committee on Finance.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 494.

ASSEMBLY AMENDMENTS.

Amend by striking out of Section 1, line 19, the words "ninety-seven," and inserting the following: "ninety-nine."

Also: Amend by striking out of Section 2, lines 18 and 19, the words "upon their nomination by the president."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 494?"

Senator Bulla moved that the Senate do not concur in Assembly amendments to Senate Bill No. 494, and that the bill be returned to the Assembly with the request that the Assembly recede from its amendments.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Marchouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith Stratton, Trout, and Withington—31.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Messrs. Wright, Emmons and Sims as a free conference committee on the part of the Assembly, and ask that the Senate appoint a like committee, to consider Assembly Bill No. 372—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

S. J. DUCKWORTH, Chief Clerk.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Bill passed on file, but to retain its place.

Senate Concurrent Resolution No. 10—Relative to abrogating Joint Rules XL, XLVIII, and XLIX.

Passed on file, but to retain its place.

Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

Bill passed on file, but to retain its place.

Substitute for Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Bill passed on file, but to retain its place.

Substitute for Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

Bill passed on file, but to retain its place.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file, but to retain its place.

Senate Bill No. 322—An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof.

Senator Mahoney asked unanimous consent to withdraw Senate Bill No. 322.

Consent granted.

Senate Bill No. 322 withdrawn, and ordered stricken from the file.

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill passed on file, but to retain its place.

Senate Bill No. 127—An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and disposi-

tion of the community property, and limiting the time in which to commence actions for the recovery of community property by wives.

Senator Simpson asked unanimous consent to withdraw Senate Bill No. 127, and substitute therefor on file Senate Bill No. 525—An Act to amend the Penal Code, by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Consent granted.

Senate Bill No. 127 withdrawn, ordered stricken from the file, and Senate Bill No. 525 substituted therefor on file.

Senate Bill No. 525—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 525, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 525 passed by the following vote:

AYES—Senators Andrews, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, and Stratton—31.

NOES—None.

Title read and approved.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 268, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Senator Dickinson moved that Senate Bill No. 416 be printed with amendments as proposed by Senator Gleaves.

So ordered.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Seawell asked unanimous consent to reconsider the vote whereby the following amendment to Assembly Bill No. 727—An Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act"—was on yesterday adopted:

"Strike out of Section 1, line 30, the words 'Counties of Lake and,' and insert in lieu thereof 'County of.'"

Consent granted.

Senator Seawell moved that the vote whereby the above amendment was adopted be reconsidered.

Motion carried, and the vote reconsidered.

Senator Seawell asked unanimous consent to withdraw the amendment.

Consent granted, and the amendment was withdrawn.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 553—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringement of the rights of trademarks.

Bill passed on file, but to retain its place.

Senate Bill No. 667—An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines.

Bill passed on file, but to retain its place.

Senate Bill No. 696—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 696, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Shippee, Stratton, Trout, and Withington—29.

NOES—None.

Title read and approved.

At ten o'clock and forty-five minutes A. M. Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Substitute for Senate Bill No. 303—An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

On motion of Senator Withington, Substitute for Senate Bill No. 303 was placed on the twelve-day file.

Senate Bill No. 680—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, to provide compensation for such services, and to distribute the moneys received on such claims.

Bill passed on file, but to retain its place.

Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3009 and 3010 of said Political Code, and by repealing Sections 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of said Political Code, relating to the State quarantine service at San Francisco.

Bill passed on file, but to retain its place.

Senate Bill No. 41—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

Bill passed on file, but to retain its place.

Senate Bill No. 429—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1641, relating to the filing of accounts of executors and administrators after their death.

Bill passed on file, but to retain its place.

Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith.

Bill passed on file, but to retain its place.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

On motion of Senator Smith, bills on the special urgency file were taken up and considered.

Senate Bill No. 294—An Act for the improvement of the harbor of San Diego, and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses incident to securing possession of the tide lands on the Bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego.

Bill passed on file, but to retain its place.

Assembly Bill No. 770 (Substitute for Assembly Bill No. 148)—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under power of mortgages and trust deeds.

Bill passed on file, but to retain its place.

Assembly Bill No. 828—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties, and provide for his compensation and the liability of mining operators.

Bill passed on file, but to retain its place.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 9, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 373—An Act to amend Section 456 of the Civil Code, relating to railroads.

Also: Senate Bill No. 155—An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.

Also: Senate Bill No. 539—An Act relinquishing to the United States of America the title of this State to certain lands.

Also: Senate Bill No. 441—An Act authorizing the Common Council, Board of Trustees, or other governing body, of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

Also: Senate Bill No. 364—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Also: Senate Bill No. 519—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section 853 thereof, relating to absence of certain officers from the State.

JAMES H. BUDD, Governor.

SPECIAL ORDER.

At eleven o'clock A. M., that being the time heretofore set for the examination of witnesses A. M. Lawrence, Al Murphy, and L. L.

Levings, in regard to the charges of bribery made by the San Francisco Examiner against members of the Senate, the matter was taken up for consideration.

The proceedings were as follows:

Mr. A. M. Lawrence was called and examined.

Mr. President: "Mr. Secretary, propound to Mr. Lawrence the questions in the order as submitted in the report of the investigating committee. You are instructed, Mr. Lawrence, that you are now required to answer the questions as they are propounded."

Mr. Secretary: Question—"Did you have or see any writings, independent of the telegraphic dispatch, or dispatches, concerning the article in question?"

Mr. McEnerney: "The information sought to be elicited by that inquiry is confidential in character. Whether it is of that confidential nature which would secure the witness immunity under all circumstances or not, it is nevertheless a matter which, in the judgment of his counsel, is neither material nor relative to any issue which the Senate has power, jurisdiction, or authority to inquire into; and upon that ground he declines to answer."

Motion to re-read the question. Question read.

Mr. President: "The witness will answer the question."

Mr. McEnerney: "Did I understand, notwithstanding the resolution of yesterday, that he must personally state the grounds of this refusal; that he cannot decline through the medium of his counsel?"

Mr. President: "I think the witness should either answer or decline to answer, giving his reasons for declining."

Mr. Lawrence: "I decline to answer, Mr. President, and I would ask that my counsel be granted the privilege of stating the reasons."

Mr. McEnerney: "I understand under the rule, the resolution adopted yesterday, the counsel of the witnesses now before the bar of the Senate will be allowed half an hour to present this question. The question will be presented by Mr. Knight. The ground upon which Mr. Lawrence refuses to answer these questions is this: The matter sought to be elicited by the questions propounded is confidential in its nature, and was received in confidence; and whether it be of that confidential nature which secures him immunity or not, under all circumstances, it is, nevertheless, according to the point of view of his counsel, upon which he acts, a matter of investigation over which the Senate has no jurisdiction. It is purely hearsay, and the witness has already testified that he had no personal knowledge of the facts over which the Senate had jurisdiction of investigation, and now declines to answer upon the ground that the questions propounded and the information sought to be elicited is neither material nor pertinent to any issue, either under investigation or which the Senate or its committee has power to investigate."

Mr. President: "Propound the second question."

Mr. Secretary: "Did you have any writing concerning this article, other than the telegraphic dispatches?"

Senator Boyce: "I move that until this investigation that is now pending before this Senate closes, that all newspapers be excluded from this floor, and that the Sergeant-at-Arms of this Senate be instructed to carry out that resolution, and I put that resolution now before the Senate."

Ordered that the newspapers be excluded from the floor of the Senate during the time the witnesses were under examination, simply to avoid confusion on the floor.

The Secretary re-read the question.

Mr. Lawrence: "I decline to answer, on the grounds already stated by my counsel."

Mr. President: "Read the third question."

Mr. Secretary: "Other things in writing?"

Mr. Lawrence: "I decline to answer, on the grounds already stated."

Mr. Secretary: "I insist on an answer."

Mr. President: "That question is not necessary."

Mr. Secretary: "From whom?"

Mr. Lawrence: "I decline to answer, on the grounds already stated."

Mr. Secretary: "Where is that writing now?"

Mr. McEnerney: "I think that was answered—that question. It is answered. I have not the remotest idea."

The President: "In the investigation before the committee the witness gave at least partial answers to questions asked before the committee, and now declining to answer, makes the questions in the order asked here appear awkward and disconnected."

Mr. Lawrence: "I simply make the same answer that I did at first."

Mr. Secretary: "What did you do with it?"

Mr. Lawrence: "My answer is as I gave it to the committee."

Mr. Morehouse: "He answered that question before the committee; he said that he had destroyed it; thrown it away."

Mr. President: "I understand; but the witness now declines to give an answer, he is not compelled to give the same answer he did before the committee."

Mr. McEnerney: "He gives the same answer."

Mr. Secretary: "What did you do with it?"

Answer: "Destroyed it; threw it away."

Question: "How did you destroy that, Mr. Lawrence?"

Answer: "I decline to answer, on the grounds already stated."

Question: "The contents of the writing—did it or did it not have relation to the subject-matter of the article printed in the San Francisco Daily Examiner last Saturday, headed 'Bribery in Aid of Thievery?'"

Answer: "I decline to answer, on the same grounds."

Mr. President: "Proceed, Mr. Secretary."

Mr. Secretary, reading as follows: "Thereupon Senator Morehouse asked the witness what was the contents of the writing which he had destroyed, or thrown away, and the witness declined to answer the question, or to give any information of the contents of the paper or document which he had destroyed, or thrown away, or the source from which he derived it."

Mr. Morehouse: "I ask that the question be propounded by you, Mr. President, as to what the contents of the writing alluded to was, in the former question."

Answer: "I decline to answer, on the same grounds stated."

Mr. Al. Murphy was called and examined.

Question: "Mr. Murphy, do you know of your own knowledge of any communication from the City of Sacramento to any person connected with the Examiner, on last Saturday (which, as meant here, would be February 27th, I think), two weeks or ten days prior to that time? What is your answer?"

Answer: "I shall have to decline to answer that. I answered this before the committee; I give the same answer now."

Question: "Of any person?"

Answer: "Of any person, yes. Would that include me?"

Question: "Have you sent any communication to the Examiner?"

Answer: "Any communication that I have sent? I do not think I can answer that question, unless Mr. Hearst consents to my doing so."

Question: "Did you see any communication written by any person connected with the Examiner, which you know, of your own knowledge, to have been forwarded to that paper, concerning the subject-matter in question?"

Answer: "I shall have to decline to answer that question, on the grounds which counsel gave."

Question: "Your declination is based upon the grounds stated by Mr. McEnerney as to the first question propounded to Mr. Lawrence?"

Answer: "Yes, sir."

Question: "I will ask you, Mr. Murphy, if you know who was the author of the article headed 'Bribery in Aid of Thievery,' published in the San Francisco Examiner?"

Answer: "I do not, positively; I think that I do, but I cannot swear to it."

L. L. Levings was called and examined.

Mr. President: Question: "Do you know, of your own knowledge, of any telegram sent by any member of the Senate, or received by any member of the Senate, to influence his vote for or against, or to withhold his vote on Assembly Bill No. 273?"

Answer: "I shall decline to answer for the reasons given by my attorney, and for Mr. Lawrence's reasons for declining to answer the questions put to him."

Mr. President: "I will ask the three witnesses who have been examined to appear before the desk. Mr. Lawrence, have you any cause to show why you should not be punished for contempt in refusing to answer the questions that have been propounded to you here?"

Mr. Knight: "I suppose the question will be asked the three witnesses separately, and we will answer."

Question: "Mr. Murphy, have you any cause to show why you should not be punished for contempt in refusing to answer the questions which have been propounded to you here?"

Mr. Knight: "Same for Mr. Murphy."

Question: "Mr. Levings; same question?"

Mr. Knight: "Same for Mr. Levings."

Mr. Knight then addressed the Senate on behalf of the witnesses.

Senator Boyce moved that the hour of recess be extended until the close of Mr. Knight's address.

So ordered.

RECESS.

At the hour of twelve o'clock and fifty minutes p. m., Mr. Knight having concluded his address, the President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Maboney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Assembly Bill No. 859—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water-courses, for the prevention of the overflow thereof," etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ANDROUS, Chairman.

Assembly Bill No. 859 ordered on file for second reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Assembly Bill No. 174—An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 11, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act, and now maintained by the State of California at Whittier, in the County of Los Angeles, therein, approved March 23, 1893, by amending Sections 4, 6, 9, 11—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DENISON, Chairman.

Assembly Bill No. 174 ordered on file for second reading.

CONSIDERATION OF THE EXAMINATION OF WITNESSES IN REGARD TO THE CHARGES OF BRIBERY MADE BY THE SAN FRANCISCO EXAMINER AGAINST MEMBERS OF THE SENATE—(RESUMED)—RESOLUTION.

Senator Morehouse offered the following resolution, and moved its adoption:

WHEREAS, Heretofore this Senate, by resolution duly passed, appointed Senators John H. Dickinson, Eugene Aram, and J. H. Seawell an investigating committee to investigate the charges of bribery preferred by the San Francisco Examiner against this Senate; and

WHEREAS, Said committee had A. M. Lawrence, of the San Francisco Examiner, before said committee; and

WHEREAS, Upon the said A. M. Lawrence being duly sworn to answer questions before said committee, and admitting that he was managing editor of said paper; and

WHEREAS, Upon said examination the said A. M. Lawrence, as a witness, was allowed counsel at his request, and, upon being asked certain questions, as will be seen by the report of the said committee, made to this Senate, and which said questions being material to the inquiry and investigation being carried on and conducted by the committee, he, the said A. M. Lawrence, then and there refused and declined to answer the said questions; and

WHEREAS, The said committee reported the said action of the said committee, and the questions propounded to the said witness, the said A. M. Lawrence, and that he had contumaciously refused to answer the said questions, to this Senate; and

WHEREAS, Upon the coming in of the said report of the said committee, the Senate resolved that the said A. M. Lawrence be subpoenaed before the bar of the Senate to show cause why he should not answer the said questions; and

WHEREAS, The said witness, A. M. Lawrence, was duly subpoenaed before the Senate, and at eleven o'clock A. M., of the 9th day of March, A. D. 1897, appeared before the bar of the Senate; and

WHEREAS, The said questions reported by the said committee were then and there propounded to him, the said A. M. Lawrence, by the President of the Senate, and he, the said A. M. Lawrence, then and there again refused and declined to answer the said questions, having no lawful or legal excuse therefor, and having been duly represented by counsel of his own selection, and having the ability and power to answer the said questions, but contumaciously refusing to answer the same; now, therefore, be it

Resolved, That the said A. M. Lawrence be and he is hereby declared to be guilty of contempt of this Senate; and be it further

Resolved, That he, the said A. M. Lawrence, be taken into custody by the Sergeant-at-Arms of the Senate, and that he be committed to the county jail of the County of Sacramento, State of California, until he shall have purged himself of this contempt by answering the questions which were propounded to him under the direction of the Senate; that a copy of this resolution, duly attested by the Secretary of the Senate, be the authority of the Sergeant-at-Arms of the Senate and the Sheriff of the County of Sacramento.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bula, Chapman, Denison, Flint, Franck, Gillette, Gleaves, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Trout, Voorheis, Watlington, and Wolfe—26.

NOES—Senators Bert, Braumhart, Doty, Dwyer, Feeney, Hall, Henderson, Langford, La Rue, Prisk, and Stratton—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Seawell gave notice that on next legislative day he would move a reconsideration of the vote whereby the foregoing resolution was this day adopted.

WITHDRAWAL OF CHARGES AGAINST AL. MURPHY.

Senator Morehouse asked unanimous consent to withdraw all charges against Al. Murphy for contempt of this Senate.

Consent granted, and all charges against Al. Murphy withdrawn.

RESOLUTION.

Senator Morehouse offered the following resolution, and moved its adoption:

WHEREAS, Heretofore this Senate, by resolution duly passed, appointed Senators John H. Dickinson, Eugene Aram, and J. H. Seawell an investigating committee to investigate the charges of bribery preferred by the San Francisco Examiner against this Senate; and

WHEREAS, Said committee had L. L. Levings, a correspondent of the San Francisco Examiner, before said committee; and

WHEREAS, Upon the said L. L. Levings being duly sworn to answer questions before said committee, and admitting that he was the correspondent of said paper; and

WHEREAS, Upon said examination the said L. L. Levings, as a witness, was allowed counsel at his request, and upon being asked certain questions, as will be seen by the report of the said committee made to this Senate, and which said questions being material to the inquiry and investigation being carried on and conducted by the committee, he, the said L. L. Levings, then and there refused and declined to answer the said questions; and

WHEREAS, The said committee reported the said action of the said committee, and the questions propounded to the said witness, the said L. L. Levings, and that he had contumaciously refused to answer the said questions, to this Senate; and

WHEREAS, Upon the coming in of the said report of the said committee, the Senate resolved that the said L. L. Levings be subpoenaed before the bar of the Senate to show cause why he should not answer the said questions; and

WHEREAS, The said witness, L. L. Levings, was duly subpoenaed before the Senate, and at eleven o'clock A. M. of the 9th day of March, A. D. 1897, appeared before the bar of the Senate; and

WHEREAS, The said questions reported by the said committee were then and there propounded to him, the said L. L. Levings, by the President of the Senate, and he, the said L. L. Levings, then and there again refused and declined to answer the said questions, having no lawful or legal excuse therefor, and having been duly represented by counsel of his own selection, and having the ability and power to answer the said questions, but contumaciously refusing to answer the same; now, therefore, be it

Resolved, That the said L. L. Levings be and he is hereby declared to be guilty of contempt of this Senate; and be it further

Resolved, That he, the said L. L. Levings, be taken into custody by the Sergeant-at-Arms of the Senate, and that he be committed to the county jail of the County of Sacramento, State of California, until he shall have purged himself of this contempt by answering the questions which were propounded to him under direction of the Senate; that a copy of this resolution, duly attested by the Secretary of the Senate, be the authority of the Sergeant-at-Arms of the Senate and the Sheriff of the County of Sacramento.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—26.

NOES—Senators Bert, Brauhart, Doty, Dwyer, Feeney, Hall, Henderson, Langford, La Rue, Prisk, and Smith—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Seawell gave notice that on next legislative day he would move a reconsideration of the vote whereby the foregoing resolution was this day adopted.

MOTION.

Senator Morehouse moved that the Sergeant-at-Arms be instructed to immediately enforce the decrees of the Senate in the adoption of the foregoing resolutions.

So ordered.

POSTPONEMENT OF MOTIONS TO RECONSIDER.

Senator Bert asked unanimous consent to postpone motion to reconsider the vote whereby Senate Bill No. 12 was refused passage on a previous day, until to-morrow.

Consent granted.

Senator Bert asked unanimous consent to postpone motion to reconsider the vote whereby Senate Bill No. 499 was refused passage on a previous day, until to-morrow.

Consent granted.

Senator Dickinson asked unanimous consent to postpone the motion to reconsider the vote whereby Senate Bill No. 486 was on a previous day refused passage, until to-morrow.

Consent granted.

RECESS.

At four o'clock and fifty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickin-

son, Doty, Feeuey, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Gleaves, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 8th day of March, passed Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, relative to revenue and taxation. (Substitute for Assembly Constitutional Amendment No. 25.)

Also: Assembly Constitutional Amendment No. 44—Proposed amendment to Section 25 of Article IV of the Constitution, with reference to special and local legislation.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Constitutional Amendment No. 40 referred to the Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 44 referred to the Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 9th day of March, adopted Assembly Concurrent Resolution No. 11—Relative to dispensing with Joint Rules XL, XLVIII, and XLIX.

Adopted by a two-thirds vote: Ayes, 56; noes, none.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

RESOLUTION—(OUT OF ORDER).

Senator Boyce offered the following resolution:

Resolved, That the Secretary be instructed to return to the Assembly all Assembly bills, resolutions, and constitutional amendments now on the Senate general file that are there improperly under Joint Rules XL, XLVIII, and XLIX, and that all Assembly bills, resolutions, and constitutional amendments hereafter passed in violation of the joint rules, and received from the Assembly previous to setting a time for adjournment *sine die*, be returned to the Assembly.

Senator Dickinson offered the following as a substitute for the above resolution:

Resolved, That the Senate do now consider all matters already passed upon by the Assembly and sent to the Senate, and the other matters provided for by the joint rules for the last twelve days of the session, before considering any other business.

Substitute ruled out of order, as the matter contained therein was not germane to the subject-matter of the resolution.

MOTION.

On motion of Senator Bulla, the above matter was postponed until to-morrow, at three o'clock and thirty minutes P. M.

LEAVE OF ABSENCE.

Senators Gillette and Seawell were granted a leave of absence for the evening.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 8th day of March, 1897, passed Senate Bill No. 480—An Act to amend Section 465 of the Civil Code, relating to the powers of railroads.

S. J. DUCKWORTH, Chief Clerk.

Senate Bill No. 480 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 9th day of March, concurred in the Senate amendment to Assembly Bill No. 461—An Act to amend Section 963 of the Code of Civil Procedure.

Also: Assembly Bill No. 40—An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.

Also: Assembly Bill No. 460—An Act to amend Section 973 of the Code of Civil Procedure.

Also: Assembly Bill No. 22—An Act to amend Section 5 of an Act entitled "An Act to provide a system of street-improvement bonds to represent assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: On the 6th day of March adopted Assembly Joint Resolution No. 32—Relative to proposed protective tariff on Zante currants.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Joint Resolution No. 32 referred to the Committee on Federal Relations and Immigration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 9th day of March, passed Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.

S. J. DUCKWORTH, Chief Clerk.
By H. S. PEART, Assistant.

Senate Bill No. 496 ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 1—An Act to amend an Act to enable school districts in cities of the fifth class to issue bonds, and to repeal an Act to enable cities of the fifth class to issue bonds for school purposes, approved March 23, 1893—and presented the same to the Governor, on this day, at ten o'clock and thirty minutes A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 339 (reengrossed)—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions, or benefits, for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Substitute for Senate Bill No. 501 (reengrossed)—An Act to amend Section 427 of the Civil Code, in relation to insurance.

JONES, Chairman.

Senate Bill No. 339 and Substitute for Senate Bill No. 501 ordered on file for third reading.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 727—An Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act."

Bill read third time.

On motion of Senator Dwyer, Senator Luchsinger was appointed a special committee of one to amend bill as follows:

Strike out of Section 10, line 3, the word "two," and insert "three."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 727, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Luchsinger, Senator Smith was appointed a special committee of one to amend bill as follows:

Strike out of Section 2, lines 13 and 14, all after word "fair," in line 13.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 727, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint.

Senate Bill No. 329—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant.

Senate Bill No. 329 ordered on twelve-day file.

Senate Bill No. 530—An Act to amend Section 3493 of the Political Code of the State of California, relating to the dissolution of swamp-land or reclamation districts.

Bill read second and third times.

The roll was called, and Senate Bill No. 530 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Gleaves, Hall, Henderson, Jones, Langford, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Withington—27.

NOES—None.

Title read and approved.

Senate Bill No. 318—An Act to provide for the protection and preservation of public highways from storm waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

During the second reading of the bill, the following amendment was submitted by Senator Jones:

Amend by striking out of enacting clause the word "the," before the word "Senate."

and the word "hereby," before the word "enact"; also, insert the word and figure "Sec. 3" before last section; and strike out the words "and approval" at the end of Section 3.

Amendments adopted.

Bill read second time, and ordered to reprint and reëngrossment.

RESOLUTION—(CASE OF URGENCY).

Senator Pedlar offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 523 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Shippee, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—28.
NOES—None.

Assembly Bill No. 523—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution, to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act.

Bill read second and third times.

Bill passed on file, but to retain its place.

Assembly Bill No. 483—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Bill ordered on twelve-day file.

Senate Bill No. 336—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by adding after the word "cemeteries," in subdivision 14, Section 1, line 66, on page 3 of the printed bill, the words "not within the corporate limits of any city or town."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 427—An Act to amend Section 681 of the Code of Civil Procedure of the State of California, relating to executions.

Bill read second and third times.

The roll was called, and Senate Bill No. 427 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, and Trout—23.
NOES—None.

Title read and approved.

Senate Bill No. 727—An Act ceding jurisdiction to the United States over certain lands in Los Angeles County, occupied by the Pacific Branch of the National Home for Disabled Volunteer Soldiers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 592—An Act for the incorporation of societies for the enforcement of the law and the prosecution of public offenders.

Bill read second and third times.

The roll was called, and Senate Bill No. 592 refused passage by the following vote:

AYES—Senators Androus, Braunhart, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Henderson, Jones, Mahoney, Morehouse, Pedlar, Prisk, Smith, Trout, and Withington—18.

NOES—Senators Beard, Bulla, Dwyer, and Wolfe—4.

Assembly Bill No. 632—An Act to provide for the organization and management of county fire insurance companies.

During the second reading of the bill, the following amendment was submitted by Senator Withington:

Amend by adding to Section 10, line 10, the words "*provided, that the amount of insurance shall not exceed seventy-five per cent of the value of the property, and that no additional insurance shall be allowed.*"

Amendment adopted.

Bill ordered to print and third reading.

Senate Bill No. 367—An Act entitled an Act to amend the Political Code, by adding a new section prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Bill passed on file, but to retain its place.

Senate Bill No. 309—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Bill ordered on twelve-day file.

Senate Bill No. 401—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act.

Bill ordered on twelve-day file.

Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code; all of said sections relating to public lands and revenue and taxation.

Bill read second and third times, and passed on file, but to retain its place.

LEAVE OF ABSENCE.

Senator Pedlar was granted a leave of absence for three days, at least, and asked that the following statement be printed in the Journal, which was so ordered:

MR. PRESIDENT: As is well known to the Senate, sickness has afflicted a member of my family for some time. To-day the telegraph informs me that my presence with my family, by reason of such sickness, is urgently desired. I therefore ask leave of absence for at least three days, with the explicit understanding that I am at all times ready and willing to attend upon the sessions of the Senate or any of its committees, to the extent of consistency with duty to my afflicted family.

A. J. PEDLAR.

MOTION.

Senator Mahoney moved that the Senate adjourn.

AYES AND NOES.

On the adoption of the motion, the ayes and noes were demanded by Senators Gleaves, Luchsinger, and Shippee.

The roll was called, and the motion lost by the following vote:

AYES—Senators Denison, Flint, Gleaves, Hall, Henderson, Luchsinger, Mahoney, Shippee, and Wolfe—9.

NOES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Doty, Dwyer, Franck, Jones, Morehouse, Pedlar, Prisk, Simpson, Smith, Trout, and Withington—17.

LEAVE OF ABSENCE.

Senator Mahoney asked for, and was granted leave of absence for the evening.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 462—An Act to amend Sections 3476 and 3477 of the Political Code, relating to reclamation of swamp and overflowed lands.

Bill read second and third times.

The roll was called, and Senate Bill No. 462 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Hall, Jones, Luchsinger, Morehouse, Pedlar, Prisk, Simpson, Trout, Voorheis, and Withington—21.

NOES—Senator Shippee—1.

Title read and approved.

ADJOURNMENT.

On motion of Senator Flint, at ten o'clock and thirty minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 10, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Monday, March 8, 1897, was approved.

LEAVE OF ABSENCE.

Senator Seawell was granted a leave of absence for the morning session, for committee duty, as requested by Senator Jones.

Senator Holloway was granted a leave of absence for the day, as requested by Senator Chapman.

BILL PLACED ON SPECIAL URGENCY FILE.

Senator La Rue asked unanimous consent to have Senate Bill No. 329—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant—placed on the special urgency file.

Consent granted, and Senate Bill No. 329 ordered on the special urgency file.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 9th day of March, passed Assembly Bill No. 977—An Act to amend Section 170 of the Code of Civil Procedure.

Also: Assembly Bill No. 790—An Act to amend Section 1576 of the Code of Civil Procedure, relating to the purchase of property of deceased persons by the administrator or executor.

Also: Assembly Bill No. 656—An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged, by the Wardens of State prisons.

Also: Assembly Bill No. 842—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Also: Struck out the enacting clause of Senate Bill No. 90—An Act for the relief of district agricultural associations.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 977 read first time, and, on motion of Senator Voorheis, placed on the special urgency file, in the place allotted to him on said file.

Assembly Bill No. 790 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 656 read first time, and ordered on file for second reading.

Assembly Bill No. 842 read first time, and referred to the Committee on State Prisons and Prison Buildings.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 9th day of March, passed Assembly Bill No. 982—An Act to regulate the expenditure

of appropriations made by the Legislature of the State of California at its thirty-second session, commencing January 4, 1897.

Also: Assembly Bill No. 983—An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments of existing charters.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 982 read first time, and referred to the Committee on Finance.

Assembly Bill No. 983 read first time, and ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 8th day of March, passed Assembly Bill No. 943 (Committee Substitute for Assembly Bill No. 719)—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws.

Also: On the 6th day of March, passed Assembly Bill No. 635—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No 943 read first time, and referred to the Committee on Mines, Drainage, and Mining Debris.

Assembly Bill No. 635 read first time, and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 685—An Act to regulate the sale of proprietary medicines, bitters, and tonics—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ARAM, Chairman.

Senate Bill No. 685 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 9, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 198—An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California—and presented the same to the Governor on this day, at two o'clock and fifteen minutes P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 108—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 332—An Act to amend Section 1881 of the Code of Civil Procedure, to provide that persons in certain relations to parties are prohibited from testifying.

And presented the same to the Governor on this day, at ten o'clock and fifteen minutes A. M.

JONES, Chairman.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 339—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 339 refused passage by the following vote:

AYES—Senators Bert, Braunhart, Denison, Doty, Hall, Henderson, Mahoney, Prisk, Shine, Stratton, and Voorheis—11.

NOES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Franck, Gillette, Gleaves, Jones, Langford, La Rue, Luchsinger, Shippee, Smith, Trout, and Withington—17.

LEAVE OF ABSENCE.

Senator Wolfe asked for and was granted a leave of absence for one hour, at ten o'clock and forty-five minutes A. M.

THIRD READING OF BILLS—(RESUMED).

Senate Concurrent Resolution No. 10—Relative to abrogating Joint Rules XL, XLVIII, and XLIX.

Senate Concurrent Resolution No. 10 passed on file, but to retain its place.

Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 513 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Chapman, Dickinson, Doty, Dwyer, Feeney, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Mahoney, Morehouse, Prisk, Shine, Stratton, Trout, and Withington—22.

NOES—Senators Beard, Boyce, Bulla, Denison, Flint, Franck, Gillette, Luchsinger, Shippee, and Smith—10.

The following amendment to title was submitted by Senator Doty:

Amend title by striking out printed title and inserting in lieu thereof the following: "An Act to provide for the construction of a State highway or wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating crushed rock and granite or stone blocks for drains and culverts for same."

Amendment adopted.

Bill ordered to print.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Bert moved a reconsideration of the vote whereby Senate Bill No. 12 was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Smith, Stratton, and Trout—24.
NOES—Senators Bulla, Langford, Shippee, and Withington—4.

Senate Bill No. 12—An Act to prescribe conditions upon which certain insurance associations, known as Lloyds, may be admitted to transact insurance business in this State.

On motion of Senator Braunhart, Senator Bulla was appointed a special committee of one to amend the bill as follows:

Amend Section 1 by striking out, in line 4, the word "may" and inserting in lieu thereof the word "shall."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 12, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to reprint and reëngrossment.

LEAVE OF ABSENCE.

Senator Prisk asked for and was granted a leave of absence for one hour, at eleven o'clock and twenty minutes A. M.

MOTION.

Senator Dickinson moved that Senate Constitutional Amendment No. 41 be printed as amended by the committee.

So ordered.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Bert moved a reconsideration of the vote whereby Senate Bill No. 499 was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Prisk, Shine, Simpson, Stratton, Trout, Voorheis, and Withington—29.
NOES—None.

On motion of Senator Bert, Senator Stratton was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 3, line 3, the words "other good," and inserting the word "legal."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 499, with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to reprint and reëngrossment.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Simpson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: I am directed to ask your honorable body to return to the Assembly Senate Bill No. 90—An Act for the relief of district agricultural associations—for further consideration.

Also: I am directed to inform your honorable body that the Assembly, on the 10th day of March, adopted Assembly Concurrent Resolution No. 12, relative to adjourning *sine die*.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Concurrent Resolution No. 12 read, as follows:

ASSEMBLY CONCURRENT RESOLUTION No. 12.

Resolved by the Assembly, the Senate concurring, That the two houses adjourn *sine die* at twelve o'clock m. of Saturday, March 20, 1897.

Senator Voorheis moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—30.

NOES—Senator Prisk—1.

Senator Simpson asked unanimous consent to take up Assembly Concurrent Resolution No. 11 for consideration.

Consent granted.

Assembly Concurrent Resolution No. 11 read, as follows:

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Resolved by the Assembly, the Senate concurring, That Joint Rules XL, XLVIII, and XLIX be dispensed with for the remainder of the session.

The roll was called, and Assembly Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Shine, Simpson, Smith, Withington, and Wolfe—28.

NOES—None.

RESOLUTION.

Senator Flint offered the following resolution:

Resolved, That the daily file shall be as follows:

1. All bills making appropriations for the State government.
2. Third reading of bills.
3. Second reading of bills.
4. Joint resolutions, constitutional amendments, deficiency bills, and claims bills, to be considered daily, immediately after the approval of the Journal, and for two hours thereafter.

Resolution referred to the Committee on Rules and Revision.

THIRD-READING FILE—(RESUMED).

Substitute for Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident,

and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Bill passed on file.

Substitute for Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

Bill passed on file temporarily.

Senate Bill No. 415—An Act entitled "An Act to amend Section 1192 of the Political Code of the State of California," relating to elections.

Bill passed on file.

Senate Bill No. 324—An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever.

Bill passed on file, but to retain its place.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill passed on file, but to retain its place.

Senate Bill No. 553—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringement of the rights of trademarks.

Bill passed on file, but to retain its place.

Senate Bill No. 667—An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines.

Bill passed on file, but to retain its place.

Senate Bill No. 680—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, to provide compensation for such services, and to distribute the moneys received on such claims.

Bill passed on file, but to retain its place.

Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3009 and 3010 of said Political Code, and by repealing Sections 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of said Political Code, relating to the State quarantine service at San Francisco.

Bill passed on file, but to retain its place.

Senate Bill No. 41—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

Bill passed on file, but to retain its place.

Senate Bill No. 429—An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1641, relating to the filing of accounts of executors and administrators after their death.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 429, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 429 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Shippee, Smith, Stratton, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith.

Bill passed on file temporarily, but to retain its place.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Assembly Bill No. 796—An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ANDROUS, Chairman.

Assembly Bill No. 796 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 294—An Act for the improvement of the harbor of San Diego, and to appropriate money therefor.

Senate Bill No. 425—An Act to amend Section 671 of the Code of Civil Procedure of the State of California, relating to judgment liens.

JONES, Chairman.

Senate Bills Nos. 294 and 425 ordered on file for third reading.

LEAVE OF ABSENCE.

Senator Androus was granted a leave of absence until to-morrow at eleven o'clock A. M.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

On motion of Senator Bulla, bills on the special urgency file were taken up for consideration.

Senate Bill No. 294—An Act for the improvement of the harbor of San Diego, and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses incident to securing possession of the tide lands on the Bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego.

Bill read third time, and passed on file temporarily, but to retain its place.

Senator Androus asked unanimous consent to take up for consideration Senate Bill No. 504.

Consent granted.

Senate Bill No. 504—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

Bill read third time.

On motion of Senator Bulla, Senator Morehouse was appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 3, lines 24 and 25, the words "fixed by the four remaining members of the commission, at the time of his appointment, but shall not be changed during his term of office," and inserting in lieu thereof the following: "four thousand dollars per annum."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 504, with instructions to amend, respectfully reports the same back, amended as per instructions.

MOREHOUSE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator La Rue asked unanimous consent to withdraw Senate Bill No. 329—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant—and substitute therefor on special urgency file Assembly Bill No. 320—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners is defendant.

Consent granted.

Senate Bill No. 329 withdrawn, ordered stricken from the file, and Assembly Bill No. 320 substituted therefor on file.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following Senators answered to their names:

Senators Andrews, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Frank, Gillette, Hall, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington.

WITHDRAWAL OF BILL FROM COMMITTEE.

Senator Simpson asked unanimous consent to withdraw Assembly Bill No. 635—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies—from the Committee on Judiciary, and have the same placed on the special Assembly file.

Consent granted, and Assembly Bill No. 635 ordered on the special Assembly file for second reading.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

Bill read third time.

On motion of Senator Withington, Senator Simpson was appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 41, line 13, the words "except as hereinafter provided."

Also: Amend by striking out of Section 52 lines 3 to 13, inclusive, and the words "pons in full" in line 14.

Also: Amend by striking out of Section 55, line 9, the word "either."

Also: Amend by striking out of Section 110, line 8, the words "approved March seventh, eighteen hundred," and all of line 9 in Section 110.

Also: Amend by striking out of Section 18, line 7, the words "and provided," and also strike out lines 8, 9, and 10.

Also: Amend by striking out of Section 109, line 5, the words "shall become," and inserting in lieu thereof the following: "are hereby made."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 730, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint.

Assembly Bill No. 902 (Substitute for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Bill read third time.

In accordance with the recommendation of the Committee on Roads and Highways, Senator Bulla was appointed a special committee of one to amend the bill as follows:

Strike out of Section 2, lines 6, 7, 8, 9, 10, 11, and 12, the words "at least two of said commissioners shall be civil engineers of at least five years' experience in the State in the practice of their profession. Not more than one commissioner shall be appointed to serve from the same county, at the same time, and not more than two of the said commissioners shall be chosen from or belong to the same political party."

Also: Strike out of Section 2, line 17, the words "for the first year after the passage of this Act."

Also: Strike out of Section 14, lines 18, 19, 20, 21, and 22, the words "Whenever the State Board of Examiners shall approve the application of the Department of Highways, for the employment of assistants to do field engineering or field work, the department shall employ the County Surveyor of the county, if there be one, in which it is to be performed."

Also: Strike out of Section 15, line 4, the words and figures "one thousand dollars (\$1,000)," and insert in lieu thereof the words and figures "twelve hundred dollars (\$1,200)."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 902, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendments adopted.

Senator Stratton moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Amendment No. 1 the words "at least two of said commissioners shall be civil engineers of at least five years' experience in this State in the practice of their profession. Not more than one commissioner shall be appointed to serve from the same county at the same time."

Motion lost.

Bill ordered to reprint.

Assembly Bill No. 903 (Substitute for Assembly Bill No. 650) An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Bill read third time.

In accordance with the recommendation of the Committee on Roads and Highways, Senator Bulla was appointed a special committee of one to amend the bill as follows:

Strike out all of Section 16.

Also: Renumber Section 17 "Sec. 16," Sec. 18 "Sec. 17," Sec. 19 "Sec. 18," Sec. 20 "Sec. 19."

Also: Strike out of Section 16, lines 11, 12, 13, and 14, the words "as apportionments of money in the state highway fund are made thereafter, the same shall be paid to such county until the total amount so credited is refunded thereto, without interest."

Also: Strike out of Section 16, line 10, the word "credited," and insert the word "charged."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 903, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint.

Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California.

Bill read third time.

In accordance with the recommendation of the Committee on Roads and Highways, Senator Bulla was appointed a special committee of one to amend the bill as follows:

Strike out of Section 3, lines 2 and 3, the words "within nine months after the passage of this Act."

Also: Strike out of Section 3, lines 36 to 52, inclusive, the words "in case the Department of Highways and the Board of Supervisors shall fail to reach an agreement or decision, then and in that case they shall jointly select a County Surveyor or a civil engineer engaged in the active practice of his profession to act as an arbitrator, but in no case shall said County Surveyor or civil engineer be in any manner whatsoever interested in said highway or highways petitioned for, or a resident of the county in which the proposed highway or highways, or portions thereof, may be situated. It shall be the duty of said arbitrator to determine the questions at issue, and, upon reaching a conclusion thereon, he shall notify the Department of Highways and the Board of Supervisors of the same. In all cases where an arbitrator shall be appointed, his decision shall be final. It shall then be the duty of the Department of Highways to take such action as will be necessary to put in effect the decision reached."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 904, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint.

Assembly Bill No. 905 (Substitute for Assembly Bill No. 672)—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Bill passed on file, but to retain its place.

Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Assembly Bill No. 8 finally passed by the following vote:

AYES—Senators Beard, Braunhart, Bulla, Chapman, Denison, Doty, Franck, Gillette, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—23.

NOES—None.

Title read and approved.

Assembly Bill No. 783 (Substitute for Assembly Bill No. 196)—An Act to amend Section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 783, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions, except that there are certain questionable provisions which are reenactments of existing law.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 783 finally passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Gillette, Hall, La Rue, Linder, Luchsinger, Prisk, Seawell, Smith, Stratton, Trout, Withington, and Wolfe—21.
NOES—None.

Title read and approved.

Substitute for Assembly Bill No. 374—An Act to authorize Boards of Health of municipalities and counties of this State to issue subpoenas for witnesses, and to compel attendance of witnesses before such boards.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Assembly Bill No. 374, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Withington moved a call of the Senate, at three o'clock and twenty-seven minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

The Secretary then announced that Senators Androus, Dwyer, Feeney, and Gleaves were the only Senators absent without leave.

The President pro tem. directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

On motion of Senator Simpson, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President pro tem. then announced that Assembly Bill No. 374 was refused final passage by the following vote:

AYES—Senators Beard, Braunhart, Bulla, Gillette, Jones, Langford, La Rue, Linder, Mahoney, Seawell, Smith, Stratton, Trout, and Withington—14.

NOES—Senators Aram, Bert, Boyce, Chapman, Denison, Dickinson, Doty, Flint, Franck, Hall, Henderson, Luchsinger, Morehouse, Prisk, Shine, Simpson, and Wolfe—17.

At three o'clock and thirty minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 374 was this day refused final passage.

SPECIAL ORDER.

The consideration of the following resolution, offered by Senator Boyce:

Resolved, That the Secretary be instructed to return to the Assembly all Assembly bills, resolutions, and constitutional amendments now on the Senate general file that are there improperly under Joint Rules XL, XLVIII, and XLIX, and that all Assembly bills, resolutions, and constitutional amendments hereafter passed in violation of the joint rules, and received from the Assembly previous to setting a time for adjournment *sine die*, be returned to the Assembly—

Having been made a special order for this hour, on motion of Senator Boyce, it was laid on the table.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Morehouse asked unanimous consent to have Senate Bill No. 501 taken up for further consideration.

Consent granted.

Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 501 refused passage by the following vote :

AYES—Senators Aram, Beard, Bert, Brauhart, Chapman, Dwyer, Franck, Hall, Henderson, Langford, Morehouse, Shine, Simpson, and Stratton—14.

NOES—Senators Bulla, Doty, Gillette, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Shippee, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Voorheis gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 501 was this day refused passage.

GENERAL FILE—SECOND READING OF BILL.

Senate Bill No. 263—An Act to amend an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices’ Courts.

During the second reading of the bill, the following amendment was submitted by Senator Bert:

Amend by inserting the following: “Sec. 2,” before “This” in last line of bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

RECESS.

At four o’clock and seventeen minutes P. M., on motion of Senator Withington, the President declared the Senate at recess until eight o’clock P. M.

RECONVENED.

At eight o’clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following resolution:

Resolved, That the daily file shall be as follows:

1. All bills making appropriations for the State government.
2. Third reading of bills.
3. Second reading of bills.
4. Joint resolutions, constitutional amendments, deficiency bills, claims bills, to be considered daily immediately after the approval of the Journal, and for two hours thereafter.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Senate General File, commencing March 11, 1897, shall be as follows:

1. (a) Senate bills making appropriations for any State department, including deficiency bills.

(b) Senate bills providing for the payment of claims against the State.

(c) Senate constitutional amendments.

(d) Senate joint resolutions. To be considered daily, immediately after the approval of the Journal, and until twelve o'clock, in the order named.

2. Third reading of Senate bills.

3. Second reading of Senate bills.

4. Special urgency file of Senate bills, to be made up from time to time, as the Senate may direct, and to be considered every evening.

5. Assembly special file, to be considered daily from two o'clock p. m. to three o'clock and thirty minutes p. m. (See Joint Rule XII.) The Assembly bills, constitutional amendments, and joint resolutions now on the twelve-day file to be put on the special Assembly file, after bills now on the file, in the following order:

(a) Deficiency bills.

(b) Claim bills.

(c) Constitutional amendments.

(d) Joint resolutions.

All bills received from the Assembly hereafter shall be placed at the foot of the Assembly file in the order that they are received from the Assembly.

WITHINGTON, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Franck, Gillette, Henderson, Jones, La Rue, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—25.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Finance respectfully report, recommending that accompanying Senate bills, identical with Assembly bills now on file, be withdrawn and stricken from the file:

Senate Bill No. 476—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-eighth fiscal year.

Senate Bill No. 477—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-seventh fiscal year.

Senate Bill No. 478—An Act making an appropriation to pay the deficiency in the appropriation for office rent of Attorney-General, in San Francisco, for the forty-eighth fiscal year.

Senate Bill No. 235—An Act making an appropriation to pay the deficiency in the

appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker, for arrest and conviction of Ed Ward.

Senate Bill No. 236—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.

Senate Bill No. 238—An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894.

Senate Bill No. 227—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard.

Senate Bill No. 229—An Act making an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for Insane and Inebriates, for the forty-seventh fiscal year.

Senate Bill No. 232—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the forty-sixth fiscal year.

Senate Bill No. 228—An Act making an appropriation to pay the deficiency in the appropriation to provide for the erection and operation of rock-crushing plants at the State prisons, etc.

Senate Bill No. 230—An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1889, page 7.

Senate Bill No. 237—An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations for the forty-sixth fiscal year.

Senate Bill No. 199—An Act making an appropriation to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895.

Senate Bill No. 215—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Senate Bill No. 241—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture, etc.

Senate Bill No. 203—An Act making an appropriation to pay the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.

Senate Bill No. 242—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners.

Senate Bill No. 243—An Act making an appropriation to pay the deficiency in the appropriation for care of State Burial Grounds, for services rendered by W. C. Farnsworth.

Senate Bill No. 82—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates, for the remainder of the forty-eighth fiscal year.

Senate Bill No. 201—An Act making an appropriation to pay the claim of James McClatchy & Co., publishers of the Bee, for advertising the constitutional amendments.

Senate Bill No. 204—An Act making an appropriation to pay the claim of the Daily Report Publishing Company, for advertising the constitutional amendments.

Senate Bill No. 231—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Senate Bill No. 239—An Act making an appropriation to pay the claim of the Examiner, for advertising the constitutional amendments.

Senate Bill No. 202—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Senate Bill No. 226—An Act making an appropriation to pay the claim of Geo. E. Lawrence, for services rendered the State of California at the funeral of the late Lieutenant-Governor Millard.

Senate Bill No. 214—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.

Senate Bill No. 221—An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners.

Senate Bill No. 529—An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, California, for moneys expended in behalf of the State of California, for foreclosing State school lands in Colusa County, State of California.

Senate Bill No. 216—An Act making an appropriation to pay the claims of the State Board of Health, for traveling expenses.

Senate Bill No. 208—An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom.

Senate Bill No. 59—An Act to pay the claim of Mrs. Sarah H. Wing against the State of California, and making an appropriation therefor.

Senate Bill No. 233—An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California.

Senate Bill No. 206—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Senate Bill No. 400—An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands.

VOORHEIS, Chairman.

WITHDRAWAL OF BILLS.

In accordance with the recommendation of the Committee on Finance, the foregoing Senate bills were withdrawn, and ordered stricken from the file.

NOTICE OF MOTION TO AMEND RULES.

Senator Withington gave notice that on next legislative day he would move to amend Rule I of the Standing Rules of the Senate so that daily sessions shall begin at nine o'clock and thirty minutes A. M.

WITHDRAWAL OF ASSEMBLY CONSTITUTIONAL AMENDMENT FROM COMMITTEE.

Senator Bulla asked unanimous consent to withdraw Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, relative to revenue and taxation—from the Committee on Constitutional Amendments, and have the same placed on file.

Consent granted.

Assembly Constitutional Amendment No. 40 withdrawn from the Committee on Constitutional Amendments, and placed on file.

WITHDRAWAL OF BILLS.

Senator Flint asked unanimous consent to withdraw Senate Bill No. 579—An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State prisons.

Consent granted.

Senate Bill No. 579 withdrawn, and ordered stricken from the file.

Senator Aram asked unanimous consent to withdraw Senate Bill No. 666—An Act to amend Section 1670 of the Political Code of California—and Senate Bill No. 690—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of unnavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Consent granted.

Senate Bills Nos. 666 and 690 withdrawn, and ordered stricken from the file.

Senator Trout asked unanimous consent to withdraw Senate Bill No. 395—An Act to amend Sections 1577, 1579, and 1581 of the Political Code, relating to the public schools.

Consent granted.

Senate Bill No. 395 withdrawn, and ordered stricken from the file.

Senator Withington asked unanimous consent to withdraw Senate

Bill No. 156—An Act to establish the Norwegian system of selling intoxicating liquors, other than vinous and malt liquors.

Consent granted.

Senate Bill No. 156 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Gillette asked unanimous consent to have Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith—taken up.

Consent granted.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 678, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

On motion of Senator Gillette, Senator Toner was appointed a special committee of one to amend bill as follows:

Amend by inserting in line 3 of Section 4, after the word "any," the word "county."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 678, with instructions to amend, respectfully reports the same back, amended as per instructions.

TONER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

RESOLUTION—(CASES OF URGENCY).

Senator Voorheis offered the following resolution, and moved its adoption:

Resolved, That Senate Bills Nos. 309, 730, and 471, and Assembly Bills Nos. 531, 224, 483, 977, 859, 249, and 234, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aram, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—27.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Senate Bill No. 294—An Act for the improvement of the harbor of San Diego, and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses inci-

dent to securing possession of the tide lands on the Bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego.

The bill having been read third time on this day, and the Committee on Rules and Revision having reported favorably, and having been passed on file temporarily, the question was on its passage.

The roll was called, and Senate Bill No. 294 passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Assembly Bill No. 977—An Act to amend Section 170 of the Code of Civil Procedure.

Bill read second and third times, and passed on file, to retain its place.

Assembly Bill No. 234—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.

Bill read second and third times.

The roll was called, and Assembly Bill No. 234 finally passed by the following vote:

AYES—Senators Aram, Boyce, Braunhart, Chapman, Denison, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Mahoney, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—25.

NOES—Senator Bulla—1.

Title read and approved.

Assembly Bill No. 224—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, lines 1 and 2, of printed bill, the words: "one thousand and fifty-one dollars and thirty cents," and inserting the following: "eight hundred and seventy-seven dollars and sixty cents."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 770 (Substitute for Assembly Bill No. 148)—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under power of mortgages and trust deeds.

Senator Seawell asked unanimous consent to withdraw Assembly Bill No. 770 from the special urgency file and have it placed on foot of Assembly file, and substitute therefor on file Substitute for Senate Bill No. 303—An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

Consent granted.

Senate Bill No. 770 withdrawn and ordered to bottom of special Assembly file, and Substitute for Senate Bill No. 303 substituted therefor on file.

RESOLUTION—(CASE OF URGENCY).

Senator Seawell offered the following resolution, and moved its adoption:

Resolved, That Substitute for Senate Bill No. 303 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Langford, La Rue, Luchsinger, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Substitute for Senate Bill No. 303—An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

Bill read second and third times.

Senator Simpson moved that Senator Withington be appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 1, line 1, the word "twenty," and inserting the following: "ten"; also, by striking out of line 4, Section 2, the word "ten," and inserting the word "five."

AYES AND NOES.

On the motion to appoint a special committee of one to amend, the ayes and noes were demanded by Senators Simpson, Bulla, and Braunhart.

The roll was called, and the motion to appoint a special committee of one to amend lost by the following vote:

AYES—Senators Aram, Beard, Bulla, Denison, Gillette, Gleaves, Jones, Mahoney, Shippee, Simpson, Smith, Trout, and Withington—13.

NOES—Senators Boyce, Braunhart, Chapman, Doty, Feeney, Flint, Langford, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Stratton, and Wolfe—15.

Senator Gillette moved that Senator Trout be appointed a special committee of one to amend bill as follows:

Strike out the word "twenty," line 1, Section 1, and insert in lieu thereof the word "twelve"; also, strike out of line 3, Section 2, the word "ten," and insert in lieu thereof the word "six"; also, strike out of line 4, Section 2, the word "ten," and insert in lieu thereof the word "six."

Motion lost.

The roll was called, and Substitute for Senate Bill No. 303 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Denison, Doty, Dwyer, Flint, Franck, Hall, Henderson, Langford, La Rue, Mahoney, Morehouse, Prisk, Seawell, Shine, Smith, Stratton, Toner, and Wolfe—21.

NOES—Senators Aram, Beard, Bulla, Gillette, Jones, Luchsinger, Simpson, Trout, and Withington—9.

Title read and approved.

LEAVE OF ABSENCE.

Senator Gleaves was granted a leave of absence for the evening, as requested by Senator Withington.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 839—An Act making an appropriation to pay the claim of Marion Pirkey, for moneys advanced to the National Guard of California.

Also: Assembly Bill No. 982—An Act to regulate the expenditure of appropriations made by the Legislature of the State of California at its thirty-second session, commencing January 4, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 62—An Act making an appropriation to pay the claim of Thomas Hatch.

Also: Assembly Bill No. 402—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized.

Also: Senate Bill No. 556—An Act to provide for the survey and construction of a wagon road from Tallac to McKinneys, along the shore of Lake Tahoe.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 200—An Act making an appropriation to pay the claim of the Tribune Publishing Company for advertising the constitutional amendments.

Also: Senate Bill No. 298—An Act providing for the appointment of an auditing board to the Commissioner of Public Works.

Also: Senate Bill No. 597—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the employment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Also: Senate Bill No. 307—An Act making an appropriation to pay the claim of Thomas Hatch.

Also: Senate Bill No. 109—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner."

Also: Committee Substitute for Senate Bill No. 109—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner."

Also: Senate Bill No. 6—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.

Also: Senate Bill No. 184—An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$75,000 therefor.

Also: Senate Bill No. 83—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates for the forty-ninth and fiftieth fiscal years.

Also: Senate Bill No. 85—An Act making an appropriation for the erection of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 594—An Act making an appropriation for the furnishing of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 187—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund and San Francisco Depot Fund.

Also: Senate Bill No. 397—An Act appropriating money to provide for the erection and furnishing of a residence for the Medical Superintendent of the State Insane Asylum at Stockton, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

VOORHEIS, Chairman.

Assembly Bills Nos. 839, 982, 62, and 402, and Senate Bill No. 556, ordered on file for second reading.

Senate Bills Nos. 200, 298, 597, 307, 109, 6, 184, 83, 85, 594, 187, and 397, and Substitute for Senate Bill No. 109, withdrawn, and ordered stricken from the file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed.

Senate Bill No. 318—An Act to provide for the protection and preservation of public highways from storm waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

Senate Bill No. 336—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Senate Bill No. 513 (reengrossed)—An Act to provide for the construction of a State highway or wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating crushed rock and granite or stone blocks for drains and culverts for same.

Senate Bill No. 42—An Act to prescribe conditions upon which certain insurance associations, known as Lloyds, may be admitted to transact insurance business in this State.

Senate Bill No. 499 (reengrossed)—An Act to prescribe the duty of the Attorney-General and Insurance Commissioner in regard to the admission of insurance corporations, associations, or individuals, to do business in this State.

Senate Bill No. 504 (reengrossed)—An Act to establish a State lunacy commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

JONES, Chairman.

Senate Bills Nos. 318, 336, 513, 42, 499, and 504 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 8—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Also, Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

And presented the same to the Governor on this day, at three o'clock and twenty minutes P. M.

JONES, Chairman.

ADJOURNMENT.

At ten o'clock and fifty-one minutes P. M., on motion of Senator Hall, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 11, 1897.

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators: Aram, Beard, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Lander, Luchinsger, Mahoney, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Froust, Voorhees, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 9, 1897, was approved.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Simpson moved a reconsideration of the vote whereby Substitute for Assembly Bill No. 374 was refused final passage.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bulla, Gillette, Jones, Langford, La Rue, Mahoney, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, and Withington—15.

NOES—Senators Aram, Beard, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Linder, Luchsinger, Shippee, Voorheis, and Wolfe—16.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 11, 1897. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 413—An Act to amend Section 602 of the Civil Code, relating to corporations sole.

Also: Senate Bill No. 260—An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 1—An Act to amend an Act to enable school districts in cities of the fifth class to issue bonds and to repeal an Act to enable cities of the fifth class to issue bonds for school purposes, approved March 23, 1893.

Also: Senate Bill No. 57—An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock and the disposition of the revenues derived therefrom.

JAMES H. BUDD, Governor.

GENERAL FILE.

(Senate bills making appropriations for any State department, including deficiency bills.)

Senate Bill No. 259—An Act to appropriate money for the use of the State Board of Horticulture.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 259, have examined the same, and report that the object cannot be secured under existing laws; that it contains no unconstitutional provisions, and the same is correct in text and reference, except as follows: the figure "2" should be inserted in the last line of the printed bill, after the word "Sec."

They therefore recommend that Senator Holloway be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In accordance with the recommendation of the Committee on Rules and Revision, Senator Holloway was appointed a special committee of one to amend the bill as suggested by the committee.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 259, with instructions to amend, respectfully reports the same back, amended as per instructions.

HOLLOWAY, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Joint Resolution No. 32—Relative to the proposed protective tariff on Zante currants—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JONES,
BEARD,
FLINT
WOLFE, Chairman.

Assembly Joint Resolution No. 32 ordered on file.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Simpson introduced the following joint resolution:

SENATE JOINT RESOLUTION No. 16.

Joint resolution relating to the citrus fruit industry.

Resolved by the Senate of the State of California, the Assembly concurring, That—

WHEREAS, On January 8, 1897, there was introduced into the Senate by Senator Langford a joint resolution (No. 2), relative to the fruit industry, which resolution duly passed both the Senate and Assembly, and was transmitted to our Senators and Representatives in Congress; and

WHEREAS, said joint resolution contained various proposed duties on fruits raised in this State which Congress was asked to impose as a protection from foreign competition; and

WHEREAS, The said proposed duties have been construed to be the maximum rates desired by the California fruit-producers, whereas in reality they are the minimum duties suggested, and are entirely inadequate to protect California producers from foreign competition in several of the kinds of fruit and fruit products named; therefore, be it

Resolved, That our Senators be instructed and our Representatives in Congress be requested to urge that the fruit schedule in the new tariff law to be submitted to Congress, at its special session, shall contain a duty of not less than forty cents per cubic foot on oranges, lemons, and limes, laid at a uniform rate, regardless of the size of the package, and when in bulk should be not less than five dollars per thousand; and a duty of not less than fifty cents per cubic foot on shaddocks, grape-fruit, and pomelos, or twenty-five dollars per thousand when in bulk. On citric acid there should be a specific duty of fifteen cents per pound; seventy-five cents per pound on essential oils of oranges and lemons; five cents per pound on the finished product of candied oranges and lemon peel and preserved citron; three cents per pound on citron of commerce, when in pickle or brine; and on concentrated lemon and lime juice, in proportion to the amount of citric acid it contains, at the rate of ten cents per pound.

Resolved, That these resolutions be printed and duly attested and a copy be forwarded to each member of the Ways and Means Committee of the House of Representatives, and to each Senator and Representative in Congress from the State of California.

SPECIAL ORDER.

On motion of Senator Simpson, the consideration of Senate Joint Resolution No. 16 was made a special order for Friday, March 12, 1897, immediately after approval of the Journal.

GENERAL FILE—(RESUMED).

Senate Bill No. 563—An Act making an appropriation to pay the deficiency in the appropriation for support of Preston School of Industry, at Ione, California, for the forty-eighth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 157—An Act to appropriate the sum of \$300, to pay the claim of A. L. Wood, for the capture of Francisco Torres.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 91—An Act making an appropriation for the relief of J. E. Atkinson, for injuries by him sustained while engaged in the service of the State, at the Stockton Insane Asylum.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 213—An Act making an appropriation to pay the claims of C. E. Cunningham and W. C. Rodgers, for services as elevator attendants in the State Capitol building.

On motion of Senator Voorheis, Senate Bill No. 213 was denied second reading.

Senate Bill No. 271—An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295 85) to pay the claim of the Tribune Printing Company against the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 438—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 68—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Senator Gleaves asked unanimous consent to withdraw Senate Bill No. 68.

Consent granted.

Senate Bill No. 68 withdrawn, and ordered stricken from the file.

Senate Bill No. 316—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting enacting clause: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 493—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

During the second reading of the bill, the following amendments were submitted by Senator Flint:

Amend by striking out of Section 1, line 7, the word "represented," and inserting in lieu thereof the following: "presented."

Amendment adopted.

Also: Amend by inserting in Section 1, line 7, after the word "Examiners," the following: "The State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same."

Amendment adopted.

Also: Amend by striking out of Section 1, line 1, the word "this," and inserting in lieu thereof the following: "the."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 212—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

During the second reading of the bill, the following amendment was submitted by Senator Holloway:

Amend by striking out of Section 1, line 1, the words "eleven hundred and two dollars and eight cents," and substituting the words "three hundred dollars, to be distributed proportionately to the several claimants."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 609—An Act making an appropriation to pay the claim of J. W. Sibole.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 1, of printed bill the word "three" and inserting the following: "one."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

At ten o'clock and twenty-two minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 210—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 223—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond.

On motion of Senator Boyce, Senate Bill No. 223 was refused second reading.

Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinnes.

During the second reading of the bill, the following amendments were submitted:

By Senator Voorheis:

Amend by striking out of Section 2, line 3, the word "ten," and inserting in lieu thereof the following: "five."

Amendment adopted.

By the committee:

Amend by striking out of Section 1, line 1, of printed bill, the word "ten," and inserting the following: "five."

Amendment adopted.

Also: By striking out of the title the words and figures "ten thousand dollars (\$10,000)," and inserting the following: "five thousand dollars."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 326—An Act to appropriate \$4,750 as compensation to the California Demokrat Publishing Company, for having published proposed amendments to the Constitution of the State of California, during the year 1894.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by substituting the following:

SUBSTITUTE FOR SENATE BILLS Nos. 326, 153, 21, AND 22.

An Act making an appropriation to pay newspaper claims.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the following newspaper claims: Claim of the California Demokrat Publishing Company, San Francisco, the sum of fifteen hundred dollars; claim of Le Franco Californien, of San Francisco, the sum of fifteen hundred dollars; claim of La Voce del Popolo, San Francisco, the sum of fifteen hundred dollars; claim of L'Italia, San Francisco, the sum of fifteen hundred dollars.

SEC. 2. The Controller is hereby authorized to draw his warrants for the sum herein appropriated, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

Substitute adopted.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION.

Senator Seawell moved that the Committee on Finance be directed to return to the Senate the Senate bill introduced by him for the payment of the claim of A. J. Bourne.

So ordered.

GENERAL FILE—(RESUMED).

Senate Bill No. 686—An Act making an appropriation to pay the claim of Theodore A. Bell.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 247—An Act for the relief of John Mullan, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted:

By Senator Morehouse:

Amend by adding in Section 1, line 2, the word "State" before the word "treasury."

Amendment adopted.

By the committee:

Amend Section 1 by inserting after the words "Santa Clara" the words "balance due for the support of orphans, half orphans, and aged indigent persons."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend Section 1 by inserting after the word "Napa" the words "balance due for the support of orphans, half orphans, and aged indigent persons."

Amendment adopted.

By Senator La Rue:

Amend by inserting in line 2, Section 1, the word "state" before the word "treasury."

Amendment adopted.

Also: Amend by inserting the word "state," in line 2 of Section 2, before the word "treasury."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted:

By the committee:

Amend Section 1 by inserting after the word "Tehama" the words "balance due for the support of orphans, half orphans, and aged indigent persons."

Amendment adopted.

By Senator Shippee:

Amend by adding in Section 1, line 2, the word "state" before the word "treasury."

Amendment adopted.

Also: Amend Section 2, line 2, by inserting the word "state" before the word "treasury."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend Section 1 by inserting after the word "Monterey" the words "balance due for the support of orphans, half orphans, and aged indigent persons."

Amendment adopted.

Also: Amend Section 1 by inserting before the word "treasury," the word "state."

Amendment adopted.

Also: Amend Section 2 by inserting before the word "treasury," the word "state."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 719—An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California as Sheriff of Plumas County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 430—An Act for the relief of W. C. Guirey.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 394—An Act to provide for the payment of the claim of D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, lines 1 and 2, printed bill, the words "ninety-six and eighty-seven hundredths," and inserting the following: "forty."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 423—An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, lines 1 and 2, of printed bill, the words "four hundred and thirty-four dollars and seventy-two cents," and inserting the following: "one hundred and seventy-six dollars."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

At eleven o'clock and fifty minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Senate Bill No. 209—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 713—An Act making an appropriation to pay the claim of James W. Travers, for advertising the constitutional amendments in the Alameda Daily Evening Encinal.

Senator Stratton asked unanimous consent to withdraw Senate Bill No. 713.

Consent granted.

Senate Bill No. 713 withdrawn, and ordered stricken from the file.

Senate Bill No. 731—An Act making an appropriation to pay the claim of E. L. Marshall, for advertising the constitutional amendments in the Alameda Daily Morning Telegram.

Senator Beard asked unanimous consent to withdraw Senate Bill No. 731.

Consent granted.

Senate Bill No. 731 withdrawn, and ordered stricken from the file.

Senate Bill No. 329—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners of the State of California is defendant.

Senator Holloway asked unanimous consent to withdraw Senate Bill No. 329.

Consent granted.

Senate Bill No. 329 withdrawn, and ordered stricken from the file.

Senate Bill No. 401—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act.

During the second reading of the bill, the following amendments were submitted by the Committee on Finance:

Strike out the words "twenty-five," in line 3, Section 6, of printed bill, and insert instead the word "ten."

Amendment adopted.

Also: Strike out the figures "25," in line 3, Section 6, of printed bill, and insert instead the figures "10."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

RESOLUTION—(OUT OF ORDER).

Senator Withington, pursuant to his notice given yesterday, offered the following resolution:

Resolved, That Rule 1 of the Senate Rules be amended by inserting "nine o'clock and thirty minutes A. M." as the time of meeting, in lieu of ten o'clock A. M.

Referred to the Committee on Rules and Regulations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration the following resolution by Senator Withington:

Resolved, That Rule I of the Senate Rules be amended by inserting "nine o'clock and thirty minutes A. M." as the time of meeting, instead of ten o'clock A. M.

And recommend that the same be adopted.

WITHINGTON, for the Committee.

The roll was called, and the report of the committee and resolution refused adoption by the following vote:

AYES—Senators Doty, Flint, Franck, Gleaves, Holloway, Jones, Luchsinger, Seawell, Shippee, Simpson, Stratton, Toner, Trout, and Withington—14.

NOES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dwyer, Feeney, Hall, La Rue, Morehouse, Prisk, Shine, Smith, Voorheis, and Wolfe—18.

GENERAL FILE—(RESUMED)—THIRD READING OF SENATE BILLS, ETC.

Senate Concurrent Resolution No. 10—Relative to abrogating Joint Rules XL, XLVIII, and XLIX.

On motion of Senator Withington, Senate Concurrent Resolution No. 10 was stricken from the file.

Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

Bill passed on file, but to retain its place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Substitute for Senate Bill No. 166—An Act to amend an Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance, approved March 19, 1891, etc.—have had the same under consideration, and respectfully report the same back, and recommend the same is constitutional if amended on floor as proposed in committee by Senator Morehouse.

SIMPSON, Chairman.

THIRD READING OF SENATE BILLS—(RESUMED).

Substitute for Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Bill passed on file, but to retain its place.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill passed on file, but to retain its place.

Senate Bill No. 553—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringement of the rights of trademarks.

Bill passed on file, but to retain its place.

Senate Bill No. 667—An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 667, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3009 and 3010 of said Political Code, and by repealing Sections 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of said Political Code, relating to the State quarantine service at San Francisco.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 623, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions, excepting that part of Section 1 commencing with the word "one," in line 11, up to and including the word "college," in line 15 of said Section 1, which is substantially a reenactment of existing law.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 489—An Act to amend section 465 of the Civil Code, relating to the powers of railroad corporations—and presented the same to the Governor on this day, at ten o'clock and ten minutes A. M.

Also: Senate Bill No. 496—An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof—and presented the same to the Governor on this day, at ten o'clock and forty-five minutes A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 263—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices' Courts.

Also: Senate Bill No. 678—An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare

to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith.

JONES, Chairman.

Senate Bills Nos. 263 and 678 ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 10th day of March, passed Assembly Bill No. 872—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in the State.

Also: Adopted Assembly Concurrent Resolution No. 10—Relative to printing 30,000 copies of Assembly Concurrent Resolution No. 9, and the distribution thereof.

Also: Struck out the enacting clause of Senate Bill No. 392—An Act to amend Section 499 of the Civil Code, relating to street railways operated under different managements.

Also: Concurred in the Senate amendment to Assembly Bill No. 76—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape, and what constitutes the same.

Also: Assembly Bill No. 419—An Act to amend Section 542 of the Code of Civil Procedure.

Also: Passed Assembly Bill No. 312—An Act for the relief of Charles F. Wells, and to appropriate money therefor.

Also: Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, and State of California, and to make an appropriation therefor.

Also: Assembly Constitutional Amendment No. 38—Relative to grammar schools.

Also: Assembly Bill No. 667—An Act to amend Section 595 of the Civil Code of the State of California, relating to religious, social, and benevolent associations.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, to provide the penalty therefor, and appropriating money to enforce the same.

Also: Assembly Bill No. 691—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

Also: On the 12th day of February adopted Assembly Joint Resolution No. 24—Relative to a bill to increase the salary of letter-carriers.

Also: On the 10th day of March passed Assembly Bill No. 891 (Substitute for Assembly Bill No. 484)—An Act entitled an Act to define and regulate fraternal beneficiary orders.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Bill No. 872 read first time, and referred to the Committee on County Government and Township Organization.

Assembly Concurrent Resolution No. 10 read first time, and referred to the Committee on Public Printing and State Library.

Assembly Bill No. 312 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Senate Bill No. 4 ordered to enrollment.

Assembly Constitutional Amendment No. 38 referred to the Committee on Constitutional Amendments.

Assembly Bill No. 667 read first time, and referred to the Committee on Judiciary.

Senate Bill No. 100 ordered to enrollment.

Assembly Bill No. 691 read first time, and ordered on file without reference to committee, on motion of Senator Bulla.

Assembly Joint Resolution No. 24 read, and referred to the Committee on Federal Relations and Immigration.

Assembly Bill No. 891 read first time, and referred to the Committee on Judiciary.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 11, 1897. }

To the honorable Senate of the State of California:

I hereby nominate George T. Bohen, of San Francisco, Pilot Commissioner for the Port of San Francisco, Mare Island, and Benicia, vice John Hackett, holding at the pleasure of the Governor, and respectfully ask your consent to the same.

JAMES H. BUDD, Governor.

Referred to the Committee on Executive Communications and Nominations.

RECESS.

The hour of twelve o'clock and thirty minutes p. m. having arrived, the President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Boyce, Brauhart, Bulla, Chapman, Denison, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luch-singer, Mahoney, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington.

Quorum present.

COMMUNICATIONS.

By request of Lieutenant-Governor William T. Jeter, the following communications were read and ordered printed in the Journal:

COLLEGE OF PHYSICIANS AND SURGEONS OF SAN FRANCISCO, }
SAN FRANCISCO, CAL., March 1, 1897. }

To the Senators, care of the Lieutenant-Governor, Capitol, Sacramento, Cal.:

DEAR SENATORS: One hundred and eighty-five students of the College of Physicians and Surgeons of San Francisco petition the honorable Senate to recede, if necessary, from its amendment to Senate Bill No. 265, to abolish the office of Quarantine Officer, in order that the bill may pass which gives us clinical privileges in the City and County Hospital. We have no interest in the quarantine office, but we need the hospital clinics in obtaining our medical education.

Very respectfully,

HENRY EGBERT.

P. S.—I would respectfully point out:

First—The fact that the large number of earnest, reputable, and industrious students enrolled in this college within two months of the commencement of the first regular term shows conclusively the great demand there was for it, and the sincere wishes its establishment meets.

Second—The good taste of our distinguished faculty in naming our college in honor of the metropolis of the West, instead of ministering to personal or family vanity in the matter.

H. E., of the Senior Class.

ALUMNI ASSOCIATION, UNIVERSITY OF CALIFORNIA, }
BERKELEY, CAL., March 9, 1897. }

Hon. WILLIAM T. JETER, Lieutenant-Governor of California, Sacramento, California:

DEAR SIR: At a meeting of the Alumni Association, held March 6, 1897, the following resolutions were unanimously adopted, and ordered transmitted to the Governor, the President of the Senate, and the Speaker of the Assembly:

Resolved, That we, the alumni of the University of California, express our profound appreciation, not only of the timely and munificent addition which the State Legislature has made to the resources of the University, but as well of the unanimity and noble spirit in which it has been done;

Resolved further, That, in thus expressing our gratitude to the Governor and Legislature, we are keenly mindful of the greatly increased obligations imposed upon the University and upon us by this addition to the University's resources, and by the renewed evidence of the confidence of the people in their University;

Resolved finally, That we hereby pledge ourselves to the people of California always to use our influence and best endeavors in such way as is incumbent on us as loyal graduates of the University, to the end that the high purposes of our Alma Mater may be more and more fully realized.

With great respect, your most obedient servant,

WM. R. DAVIS,
President Alumni Association.

Attest: JAMES SUTTON, Secretary.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 730, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

Bill passed on file, but to retain its place.

Assembly Bill No. 902 (Substitute for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Bill passed on file, but to retain its place.

Assembly Bill No. 903 (Substitute for Assembly Bill No. 650)—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Bill passed on file, but to retain its place.

Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California.

Bill passed on file, but to retain its place.

Assembly Bill No. 905 (Substitute for Assembly Bill No. 672)—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Bill passed on file, but to retain its place.

Assembly Bill No. 382—An Act to repeal Sections 628a, 630, 632b, and 633, and to amend Sections 628, 635, and 636, of the Penal Code of the State of California, relating to fish.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 382, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 382 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—28.

NOES—None.

Title read and approved.

Assembly Bill No. 554—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 554, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 554 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Bulla, Denison, Doty, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Prisk, Shippee, Simpson, Smith, Stratton, Trout, and Withington—23.

NOES—None.

Title read and approved.

Assembly Bill No. 361—An Act entitled an Act to amend the Political Code by adding a new section requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 361, have examined the same, and report that the object cannot be secured under existing laws, and contains no unconstitutional provisions and the same is correct in text and reference, except as follows: Insert in line 3, after the figure "4" the word and figures "Sec. 3247"; also, the title should be amended to read as follows: "An Act to add a new section to the Political Code, to be known as Section 3247."

They therefore recommend that Senator Seawell be appointed a special committee of one, to whom the bill shall be recommitted, to amend the same as herein suggested.

WITHINGTON, for the Committee.

In accordance with the recommendation of the Committee on Rules and Revision, Senator Seawell was appointed a special committee of one to amend the bill as suggested by the committee.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 361, with instructions to amend, respectfully reports the same back, amended as per instructions.

SEAWELL, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

SECOND READING OF BILL.

Assembly Bill No. 623—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringements of the rights of trademarks.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 200—An Act to amend Sections 925, 928 of the Penal Code of the State of California, and to add a new section to said Code, to be known as Section 929, relating to grand juries, their powers and duties.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 200, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. Your committee's report is based upon the report of the Judiciary Committee.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 200 finally passed by the following vote:

AYES—Senators Aram, Beard, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Shine, Smith, Stratton, Trout, and Withington—23.

NOES—Senator Mahoney—1.

Title read and approved.

Assembly Bill No. 434—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill passed on file, but to retain its place.

COMMUNICATION—(OUT OF ORDER).

At two o'clock and thirty-five minutes p. m., the Hon. Thomas Flint, Jr., President pro tem. of the Senate, received the following communication, which was read and ordered printed in the Journal:

In the Superior Court of the County of Sacramento, in and for the State of California.

In the matter of
A. M. LAWRENCE and L. L. LEVINGS, }
on Habeas Corpus.

This matter coming on for hearing at 1:30 p. m., this 11th day of March, 1897, Messrs. McEnery and Clunie appearing as counsel for the petitioners, and there being no appearance for the return to the writ.

It is ordered by the Court that the Senate of the State of California, through the President thereof, be notified of the pendency of this proceeding, and that in said proceeding is involved the question as to the legality of an order made by said Senate committing said A. M. Lawrence and L. L. Levings for contempt.

It is further ordered that the said Senate, through its President, be notified that it is thereby requested to appear by counsel or otherwise, and make such defense to said proceedings as it may deem necessary, at four o'clock P. M. of this, the 11th day of March, 1897.

It is further ordered that a copy of this order be served forthwith by the Sheriff of the County of Sacramento, State of California, upon the Senate of the State of California, by delivering a copy of this order to the President thereof.

It is further ordered that a copy of this order be served forthwith by the Sheriff of said county upon the Attorney-General of said State of California.

JOSEPH W. HUGHES,

Judge of the Superior Court of Sacramento County, State of California.

Attest:

[SEAL.] W. B. HAMILTON, Clerk.

By E. S. WACHHORST, Deputy Clerk.

RESOLUTION.

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That the Attorney-General be and he is hereby requested to appear and represent the Senate in the matter of the habeas corpus proceedings now pending in the Superior Court of the County of Sacramento *in re* A. M. Lawrence and L. L. Levings, committed for contempt by the Senate of the State of California, by resolution passed on March 9, 1897.

Resolution adopted.

MOTION.

Senator Morehouse moved that a copy of the resolution be immediately transmitted to the Attorney-General by the Sergeant-at-Arms, with the request that he answer, forthwith, whether he will appear in the above matter as above set forth.

So ordered.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED)—SECOND READING OF BILLS.

Assembly Bill No. 66—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI. of the Constitution, to abandon and annul such charter, and organize under general laws.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 694—An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations for the purpose of making, improving, and repairing roads.

During the second reading of the bill, the following amendment was submitted by Senator Gillette:

Amend by striking out all of Section 4, page 2.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 144—An Act to secure the payment of the claims of materialmen, mechanics, or laborers employed by contractors upon State, municipal, or other public work.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 860—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 510—An Act to improve Salt River, Humboldt County, from the junction thereof with Eel River to Port Kenyon, by removing therefrom bars and other obstructions to navigation, and to appropriate the sum of \$10,000 for that purpose.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 431—An Act to amend Section 3641 of the Political Code, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 432—An Act to add a new section to the Political Code, to be known as Section 3609 thereof, relating to the general revenue of this State, and to property liable to taxation for the purpose of revenue.

Senator Smith asked unanimous consent to withdraw Assembly Bill No. 432.

Consent granted.

Assembly Bill No. 432 withdrawn, and ordered stricken from the file.

Assembly Bill No. 187—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School at Los Angeles, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 876—An Act to regulate the business of commission merchants, agents, factors, or brokers dealing in farm produce, grain, fruit, seeds, honey, or dairy produce.

During the second reading of the bill, the following amendments were submitted by the committee:

On page 2, Section 2, in line 4, insert the words "between them," after the word "shall."

Amendment adopted.

Also: On page 2, Section 2, in line 7, strike out the word "double."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

At two o'clock and forty-five minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Assembly Bill No. 63—An Act to amend an Act approved March 26, 1893, entitled "An Act to create and administer a public school-teachers' annuity and retirement fund in the several counties, and cities and counties, in the State."

During the second reading of the bill, the following amendments were submitted by the committee:

On page 2, Section 1, line 19, after the word "or," strike out the words "consolidated city and county," and insert in lieu thereof the words "the City and County Attorney of every consolidated city and county."

Amendment adopted.

Also: On page 4, Section 5, line 21, after the word "county," strike out from and including the word "if," to the end of said line 21, and insert in lieu thereof the words "whenever such selection is possible."

Amendment adopted.

Also: On page 5, line 3, after the figure "8," insert the letter "a," said letter being calculated to designate the part that follows, as a subdivision of the section.

Amendment adopted.

Also: On page 5, line 8 after the word "month," insert the following: "in counties, and fifty dollars per month in consolidated cities and counties."

Amendment adopted.

Also: On page 5, line 10, after the word "teacher," insert the following: "and who shall have been a contributor to the annuity fund for at least five years."

Amendment adopted.

Also: On page 5, line 16, after the word "however," strike out from and including the word "that," to and including the word "cease" in line 18, and insert in lieu thereof the following: "that any annuity shall be suspended if its recipient return to service in the public schools, and any annuity less than two thirds of the maximum annuity shall cease if the committee on retirement, constituted in section five of this Act shall at any time decide that its recipient has been restored to the capacity of performing the duties of a teacher, and has been reimbursed from the annuity fund at least the full amount of his or her contribution thereto."

Amendment adopted.

Also: On page 6, Section 8, line 41, after the word "teaching," insert the words "after the expiration of five years, and."

Amendment adopted.

Also: On page 6, line 49, after the word "fund," insert a subdivision of the section, as follows: "b. Teachers of evening schools, receiving a salary of fifty dollars or less, shall be subject to one half its burdens, and shall be entitled to one half of the benefits of this Act; *provided*, that any teacher who is employed both in a day and in an evening school shall be considered for the purposes of this Act to be employed in a day school only."

Amendment adopted.

Also: On page 7, Section 10, line 19, after the word "salary," strike out the words "or any part thereof."

Amendment adopted.

Also: On page 7, Section 10, line 20, after the word "from," insert the words "the warrant or demand for salary of."

Amendment adopted.

Also: On page 7, Section 10, line 23, strike out from and including the word "in" to and including the word "provided" in lines 25 and 26, and strike out the word "be" in line 26, and the letter "d" at the end of the word "appropriated," in line 26.

Amendment adopted.

Also: On page 7, Section 10, line 29, strike out the word "to" and insert "for," and strike out the word "use" and insert "fund; *provided*, that in consolidated cities and counties, after the establishment of an annuity fund therein, it is hereby made the duty of Boards of Education to appropriate monthly at least one half of such moneys for such fund."

Amendment adopted.

Also: On page 7, Section 11, line 15, after the word "moneys," insert the words "thereafter received," and after the word "fund" in line 16, insert the following: "except such gifts, devises, or bequests as may be specially directed by its donor or testator to be placed in the permanent fund."

Amendment adopted.

Also: On page 8, Section 12, line 4, strike out the word "only."

Amendment adopted.

Also: On page 8, Section 12, line 26, strike out the word "fifty," and insert the word "thirty."

Amendment adopted.

Also: On page 9, line 32, strike out from and including the word "where" to and including the word "thereafter," in line 35, and in line 35 strike out the word "subsequently."

Amendment adopted.

Also: On page 9, line 36, after the word "of," insert the word "such."

Amendment adopted.

Also: On page 9, line 37, change the word "city" to "cities," and the word "county" to "counties," and at the end of line 37 insert the words "after the passage of this Act"

Amendment adopted.

Also: On page 9, at the end of Section 12, insert subdivision 3, to read as follows: "(3) Annuities heretofore granted under the provisions of the Act of which this Act is amendatory, shall be continued for the same amount as heretofore paid; subject, however, to the conditions imposed by sections nine (9) and eleven (11) of this Act."

Amendment adopted.

Bill read second time, and passed on file, to retain its place on the second-reading file for further consideration.

MOTION.

On motion of Senator Bulla, the consideration of special file of Assembly bills was continued after three o'clock and thirty minutes P. M.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED)—SECOND READING OF BILLS.

Assembly Bill No. 538—An Act to amend Sections 2569, 2570, 2571, and 2572 of the Political Code of the State of California, and to add six new sections thereto, to be numbered 2573, 2574, 2574a, 2574b, 2574c, and 2574d, relating to the Board of Harbor Commissioners for the Port of Eureka, and making an appropriation therefor.

On motion of Senator Luchsinger, Assembly Bill No. 538 was re-referred to the Committee on Finance.

Assembly Bill No. 892—An Act to amend an Act to provide a system of drainage for agricultural swamp and overflowed lands, approved March 3, 1881, by amending Section 9 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 636—An Act to provide for the preparation of an index of the Journals and Appendices of the Senate and Assembly of the State of California, and directing the Trustees of the California State Library to pay for the same out of the fund for the support of the California State Library.

During the second reading of the bill, the following amendment was submitted by Senator Withington:

Amend by striking out of Section 1, line 1, the words "State Librarian," and inserting in lieu thereof the following: "Superintendent of Public Printing."

Amendment lost.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 445—An Act relating to the authorization and

employment of a draftsman by Recorders in counties and cities and counties of the first class.

During the second reading of the bill, the following amendments were submitted by Senator Brauhart:

Amend Section 1 by striking out said section, and inserting in lieu thereof the following:

SECTION 1. In counties and cities and counties of the first class, the Mayor, and if there be none the chairman of the Board of Supervisors, is authorized and empowered to appoint, if by him deemed necessary, a draftsman, at a salary of one hundred dollars per month; said salary to be paid in the same manner as the Recorder is provided for by law to be paid.

Said draftsman shall perform such services as may be necessary in the office of the County Recorder, or in any other office to which the Mayor or chairman of the Board of Supervisors may assign him for duty.

Amendment adopted.

Also: Amend title by striking out the words "by Recorders."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

BILLS ORDERED ON SPECIAL URGENCY FILE.

Senator Hall asked that Assembly Bill No. 770 (Substitute for Assembly Bill No. 148)—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under power of mortgages and trust deeds—be placed on the special urgency file in the place allotted to him.

Consent granted, and Assembly Bill No. 770 ordered on the special urgency file.

Senator Mahoney asked that Assembly Bill No. 233—An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California—be placed on the special urgency file in the place allotted to him.

Consent granted, and Assembly Bill No. 233 ordered on the special urgency file.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED)—SECOND READING OF BILLS.

Assembly Bill No. 132—An Act to authorize the erection of a sewage-pumping plant at the Folsom State Prison, and making an appropriation therefor.

On motion of Senator Doty, Assembly Bill No. 132 was re-referred to the Committee on Finance.

Assembly Bill No. 180—An Act to amend Sections 338, 339, and 341 of the Penal Code, and add two new sections thereto, to be known and designated as Sections 344 and 345, relating to pawnbrokers.

During the second reading of the bill, the following amendment was submitted by Senator Wolfe:

Amend by striking out Section 5 of Assembly Bill No. 180.

Amendment lost.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 370—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Bill passed on file, but to retain its place.

Assembly Bill No. 303—An Act to authorize the Board of Fish Commissioners to purchase or construct a gasoline launch, to aid in carrying out the purposes of said board, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Bulla, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 11th day of March concurred in the Senate amendments to Assembly Bill No. 8—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

Also: Concurred in Senate amendments to Assembly Bill No. 783 (Substitute for Assembly Bill No. 196)—An Act to amend Section 2737 of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways.

Also: Concurred in Senate amendment to Assembly Bill No. 45—An Act requiring every corporation in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employes; to define the duties of the Labor Commissioner and the District Attorneys of the several counties of this State in enforcing this Act; to limit the defenses which may be set up by such corporation to assignments of wages, set off or counter claims, or the absence of such employes at the time of making payment; and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.

Also: Concurred in Senate amendment to Assembly Bill No. 827—An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891.

Also: Receded from Assembly amendments to Senate Bill No. 494—An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506, of the Political Code, relating to State Normal Schools.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bill No. 494 ordered to enrollment.

RECESS.

At four o'clock and twenty minutes P. M., on motion of Senator Smith, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Hall was granted a leave of absence for the remainder of the day, as requested by Senator Toner.

SPECIAL URGENCY FILE.

Assembly Bill No. 977—An Act to amend Section 170 of the Code of Civil Procedure.

Bill passed on file temporarily.

Assembly Bill No. 224—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.

Bill read third time.

The roll was called, and Assembly Bill No. 224 finally passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunnhart, Bulla, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—28.

NOES—Senator Toner—1.

Title read and approved.

RESOLUTION—(CASE OF URGENCY).

Senator Mahoney offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 233 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill shall be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunnhart, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—27.

NOES—Senators Bulla and Shine—2.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 828—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties, and provide for his compensation and the liability of mining operators.

Bill passed on file temporarily, in absence of report of Committee on Finance.

Senate Bill No. 425—An Act to amend Section 671 of the Code of Civil Procedure of the State of California, relating to judgment liens.

Bill read third time.

The roll was called, and Senate Bill No. 425 passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunnhart, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis—27.

NOES—None.

Title read and approved.

Assembly Bill No. 233—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments.

Bill read second and third times.

The roll was called, and Assembly Bill No. 233 finally passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Stratton, Trout, Voorheis, Withington, and Wolfe—23.

NOES—Senator Bulla—1.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 828—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties, and provide for his compensation and the liability of mining operators—have had the same under consideration, and respectfully report the same back without recommendation.

VOORHEIS, Chairman.

Assembly Bill No. 828—An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties, and provide for his compensation and the liability of mining operators.

Bill read third time.

The roll was called, and Assembly Bill No. 828 finally passed by the following vote:

AYES—Senators Bert, Boyce, Braunhart, Dickinson, Doty, Feeney, Flint, Gillette, Gleaves, Henderson, Jones, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Simpson, Toner, Withington, and Wolfe—21.

NOES—Senators Bulla, Chapman, Denison, La Rue, Shine, Shippee, Stratton, Trout, and Voorheis—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Withington gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 828 was this day finally passed.

BILL ORDERED ON SPECIAL URGENCY FILE.

Senator Toner asked that Assembly Bill No. 244 be placed on the special urgency file in the place allotted to him.

Consent granted, and Assembly Bill No. 244 ordered on special urgency file.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 977—An Act to amend Section 170 of the Code of Civil Procedure.

The bill having been read a third time on a previous day, the question was on its passage.

CALL OF THE SENATE.

Before the vote was announced, Senator Voorheis moved a call of the Senate, at eight o'clock and forty minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Secretary then announced that Senators Aram, Feeney, and Smith were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At eight o'clock and forty-five minutes P. M., Senator Smith was brought before the bar of the Senate.

On motion of Senator Wolfe, the Senator was excused for absence.

On motion of Senator Beard, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President announced that Assembly Bill No. 977 was refused final passage by the following vote:

AYES—Senators Bert, Boyce, Denison, Franck, Gleaves, Hall, Henderson, Langford, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, and Wolfe—15.

NOES—Senators Beard, Braunhart, Bulla, Chapman, Dickinson, Doty, Flint, Gillette, Holloway, Jones, La Rue, Luchsinger, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Voorheis gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 977 was this day refused final passage.

POSTPONEMENT OF MOTION TO RECONSIDER.

Senator Voorheis asked unanimous consent to postpone until tomorrow his notice of motion to reconsider the vote whereby Senate Bill No. 501 was refused passage.

Consent granted.

RESOLUTION—(CASES OF URGENCY).

Senator Toner offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos 244 and 320 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution, adopted by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—31.

NOES—None.

Assembly Bill No. 244—An Act making an appropriation to pay the claim of the Examiner, for advertising the constitutional amendments.

Bill read second and third times.

The roll was called, and Assembly Bill No. 244 finally passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Henderson, Holloway, Jones, La Rue, Linder,

Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Voorheis, Withington, and Wolfe—31.
NOES—Senator Trout—1.

Title read and approved.

Assembly Bill No. 727—An Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act."

The bill having been read a third time on a previous day, the question was on its final passage.

The roll was called, and Assembly Bill No. 727 finally passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Withington, and Wolfe—27.

NOES—Senators Bulla and Trout—2.

Title read and approved.

Assembly Bill No. 320—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners is defendant.

During the second reading of the bill, the following amendment was submitted by Senator Bulla:

Amend by striking out of Section 1, line 1, printed bill, the word "thirty," and inserting in lieu thereof the following: "fifteen."

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Simpson, La Rue, and Braunhart.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Beard, Bert, Bulla, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Shine, Shippee, Simpson, Smith, Trout, and Voorheis—23.

NOES—Senators Braunhart, Doty, La Rue, Prisk, Seawell, Stratton, Withington, and Wolfe—8.

Bill read second time, and ordered to print.

Senate Bill No. 318—An Act to provide for the protection and preservation of public highways from storm waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

Bill read second and third times.

The roll was called, and Senate Bill No. 318 passed by the following vote:

AYES—Senators Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Toner, Trout, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Assembly Bill No. 523—An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said

institution, to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act.

Bill read second and third times.

The roll was called, and Assembly Bill No. 523 finally passed by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Assembly Concurrent Resolution No. 10—Relative to printing 30,000 copies of Assembly Concurrent Resolution No. 9, and the distribution of the same—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

TROUT, Chairman.

Assembly Concurrent Resolution No. 10 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 545—An Act to provide a safe place of exhibit and study of the State mineral cabinet, museum, and specimens, and other articles and property of the State, to erect a building therefor, and make an appropriation therefor.

Also: Senate Bill No. 632—An Act to provide for the examination of scaffolding, ropes, blocks, pulleys, and tackle used in the construction, repairing, or painting of buildings, and providing for the inspection thereof.

Also: Senate Bill No. 575—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Also: Senate Bill No. 479—An Act to provide for the purchase or construction of a residence for the Governor of California, and to appropriate money therefor.

Also: Senate Bill No. 52—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 630—An Act to create the office of Law Commissioner, to prescribe his powers and duties, to fix his compensation, to provide for the appointment of a secretary and clerk, and making an appropriation for the payment of the salaries of such commissioner, secretary, and clerk, and to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Also: Senate Bill No. 49—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 439—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Also: Senate Bill No. 170—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Also: Senate Bill No. 237—An Act for the relief of Charles F. Wells, and to appropriate money therefor.

Also: Senate Bill No. 434—An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 602—An Act for the payment of the claim of Julius Herzog, and to appropriate money therefor.

Also: Senate Bill No. 20—An Act to provide for the construction and maintenance of a fireboat for the protection of shipping.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 31—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building, in San Francisco, and making an appropriation therefor.

Also: Senate Bill No. 258—An Act to appropriate \$5,000 for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects.

Also: Senate Bill No. 487—An Act for the relief of J. W. Newbert, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

VOORHEIS, Chairman.

Senate Bills Nos. 545, 632, 575, 479, 52, 630, 49, 439, 170, 287, 434, 602, 20, 31, 258, and 487 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 493—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner, from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

JONES, Chairman.

Senate Bill No. 493 ordered on file for third reading.

SPECIAL URGENCY FILE.

Assembly Bill No. 249—An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom.

Bill read second and third times.

Senator Bulla moved that Senator Beard be appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, lines 1 and 2, the words "sixty-three thousand five hundred and sixty-three dollars and sixty-six cents" and inserting in lieu thereof the following: "seventy thousand dollars."

Motion lost.

The roll was called, and Assembly Bill No. 249 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—29.

NOES—Senators Bulla, Gillette, Holloway, Langford, Voorheis, and Withington—6.

Title read and approved.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Withington asked unanimous consent to have Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code; all of said sections relating to public lands and revenue and taxation—taken up for consideration.

Consent granted.

On motion of Senator Withington, Senator Bulla was appointed a special committee of one to amend as follows:

Amend by inserting in Section 1, line 2, after the word "eight," the words "of the Political Code."

Also: Amend by inserting in Section 2, line 1, after the word "fifty-nine," the words "of the Political Code."

Also: Amend by striking out all of Section 3, and inserting in lieu thereof the following:

Sec. 3. Section thirty-six hundred and sixty-five of the Political Code is amended to read:

Section 3665. The State Board of Equalization must meet at the State Capitol on the third Monday in July, and continue in open session from day to day, Sundays excepted, until the first Monday in August. At such meetings the board must assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county, but franchises derived from the United States shall not be assessed. Assessments must be made to the corporation, person, or association of persons owning the same. If any portion of any railroad less than the whole is operated by some corporation or association of individuals other than the owner of such railroad, under lease or other contract, and such portion so operated runs in more than one county, the value of such part or portion of such railroad shall be assessed separate and apart from the balance of said railroad, and the board shall assess the roadway, roadbed, and rails of such portion of such railroad, together with the rolling stock used thereon by the corporation or association of individuals operating the same. The depots, stations, shops, and buildings erected upon the space covered by the right of way, and all other property owned by such person, corporation, or association of persons, are assessed by the Assessor of the county wherein they are situate. Within twenty days after the first Monday of August, the board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railway to the counties, or cities and counties, in which such railway is located, in proportion to the number of miles of railway laid in such counties, and cities and counties. The board must also, within said time, transmit, by mail, to the County Auditor of each county, or city and county, to which such apportionment shall have been made, a statement showing the length of the main track of such railway within the county, or city and county, with a description of the said track within the county, or city and county, including the right of way, by metes and bounds, or other description sufficient for identification, the assessed value per mile of the same, as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails, and rolling stock of such railway within the State, and the amount apportioned to the county, or city and county. The Auditor must enter the statement on the assessment roll or book of the county, or city and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county, or city and county, in the column of the assessment book or roll as aforesaid which shows the total value of all property for taxation, either of the county, city and county, or such township or district. On the third Monday in September, the Board of Supervisors must make, and cause to be entered in the proper record book, an order stating and declaring the length of main track of the railway assessed by the State Board of Equalization within the county, the assessed value per mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school and road district, or lesser taxation district in the county, or city and county, through which such railway runs, as fixed by the State Board of Equalization, which shall constitute the assessment value of said property for taxable purposes in such city, town, township, school, road, or other district; and the clerk of the Board of Supervisors must transmit a copy of each order or equalization to the City Council, or trustees, or other legislative body of incorporated cities or towns, the trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. All such railway property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes, as the property of individuals within such city, town, township, school, road, and lesser taxation districts, respectively. If the owner of a railway assessed by the State Board of Equalization is dissatisfied with the assessment made by the board, such owner may, at the meeting of the board, under the provisions of section three thousand six hundred and ninety-two of the Political Code, between the first Monday in August and the first Monday in September, apply to the board to have the same corrected in any particular, and the board may correct and increase or lower the assessment made by it so as to equalize the same with the assessment of other property in the State. If the board shall increase or lower any assessment previously made by it, it must make a statement to the County Auditor of the county affected by the change in the assessment of the change made, and the Auditor must note such change upon the assessment book or roll of the county, as directed by the board.

Also: Amend by inserting in Section 4, line 1, after the word "eighty-one," the words "of the Political Code."

Also: Amend by inserting in Section 5, line 2, after the word "eight," the words "of the Political Code."

Also: Amend by inserting in Section 6, line 2, after the word "two," the words "of the Political Code."

Also: Amend by inserting in Section 7, line 2, after the word "four," the words "of the Political Code."

Also: Amend by inserting in Section 8, line 2, after the word "thirty-seven," the words "of the Political Code."

Also: Amend by inserting in Section 9, line 2, after the word "thirty-nine," the words "of the Political Code."

Also: Amend by inserting in Section 10, line 2, after the word "six," the words "of the Political Code."

Also: Amend by inserting in Section 11, line 2, after the word "eight," the words "of the Political Code."

Also: Amend by inserting in Section 12, line 2, after the word "three," the words "of the Political Code."

Also: Amend by inserting in Section 15, line 1, after the word "one," the words "of the Political Code."

Also: Amend by striking out all of Section 16, and inserting in lieu thereof the following:

SEC. 16. Section three thousand eight hundred and five of the Political Code is hereby amended so as to read as follows:

3805. When the Tax Collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due, and make return of the facts, under affidavit, to the Auditor, who shall, when directed to do so by the Board of Supervisors, cancel one of said erroneous or double assessments by an entry on the margin of the assessment book, as also on the delinquent list, should such erroneous or double assessment be carried therein. If the property assessed under such erroneous or double assessment has been sold, and a certificate or deed therefor has been issued, such fact shall be certified to the Controller by the Auditor and Tax Collector, and thereupon the Controller shall issue his certificate, under seal, authorizing the Auditor to cancel such erroneous or double assessment; *provided*, no cancellation of an erroneous or double assessment shall be made in any case until the taxes, penalties, and costs upon one of such assessments shall have been paid. Whenever the possessory interests in lands belonging to the United States, or lands upon which final payment had not yet been made to the United States at the time of such assessment, has been assessed and sold to the State for delinquent state and county taxes, the Board of Supervisors, in the respective counties, shall, upon application of the owner of the lands, his representative, or any party interested therein, direct the County Auditor to cancel the certificate of sale in which such possessory interest was sold, or any deed which may have been made to the State under such sale. Before an order to cancel the certificate or deed, as provided in this Act, shall be granted, the applicant shall file with the board a certificate from the Register of the United States Land Office, showing that at the date when such taxes so assessed became a lien, final payment for the land had not yet been made to the United States; *provided*, that no order to cancel such sales or deeds, of possessory interest, shall be made where the person to whom such possessory interests were assessed afterwards obtained a patent from the United States for such lands. Such certificate of the Register shall be filed with the application, and preserved as a part of the record of the Board of Supervisors.

Also: Amend by inserting in Section 17, line 2, after the word "teen," the words "of the Political Code."

Also: Amend by inserting in Section 19, line 1, after the word "twenty," the words "of the Political Code."

Also: Amend by inserting in Section 20, line 2, after the word "one," the words "of the Political Code."

Also: Amend by inserting in Section 21, line 2, after the word "five," the words "of the Political Code."

Also: Amend by inserting in Section 22, line 2, after the word "three," the words "of the Political Code."

Also: Amend by inserting in Section 23, line 2, after the word "five," the words "of the Political Code."

Also: Amend by inserting in Section 24, line 2, after the word "eight," the words "of the Political Code."

Also: Amend by inserting in Section 25, line 2, after the word "seven," the words "of the Political Code."

Also: Amend by inserting in Section 26, line 1, after the word "eighty-three," the words "of the Political Code."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 330, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to reprint and reëngrossment.

BILL RE-REFERRED.

On motion of Senator Flint, Senate Bill No. 727—An Act ceding jurisdiction to the United States over certain lands in Los Angeles County, occupied by the Pacific Branch of the National Home for Disabled Volunteer Soldiers—was re-referred to the Committee on Judiciary.

ADJOURNMENT.

At ten o'clock and twenty-five minutes p. m., on motion of Senator Seawell, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 12, 1897. }

The Senate met pursuant to adjournment, at ten o'clock a. m.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair

The roll was called, and the following Senators answered to their names:

Senators Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, March 10, 1897, was approved.

LEAVE OF ABSENCE.

Senator Aram was granted a leave of absence for the day, as requested by Senator Dickinson.

SPECIAL ORDERS.

Senate Joint Resolution No. 16—Relative to the citrus fruit industry.

Senate Joint Resolution No. 16 passed on file temporarily, but to retain its place.

SENATE BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT,
INCLUDING DEFICIENCY BILLS.

Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

Bill passed on file, but to retain its place.

Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Bill read third time.

On motion of Senator Gleaves, Senator Prisk was appointed a special committee of one to amend as follows:

Amend by inserting in line 8 of Section 2, after the word "cents," the following: "Hiram Clock, the sum of twenty-eight dollars."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 347, with instructions to amend, respectfully reports the same back, amended as per instructions.

PRISK, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

Senate Bill No. 563—An Act making an appropriation to pay the deficiency in the appropriation for support of Preston School of Industry, at Ione, California, for the forty-eighth fiscal year.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 563, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 563 passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Prisk, Seawell, Shippee, Simpson, Smith, Toner, Trout, Voorheis, and Withington—25.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 10—Concurrent resolution directing the State Printer to print thirty thousand copies of Assembly Concurrent Resolution No. 9.

ASSEMBLY CONCURRENT RESOLUTION No. 10.

Concurrent resolution directing the State Printer to print thirty thousand copies of Assembly Concurrent Resolution No. 9, relative to welcome of Christian Endeavor International Convention to be held in San Francisco, July, 1897, and for the distribution thereof.

WHEREAS, There has been adopted Assembly Concurrent Resolution Number Nine, extending to the Society of Christian Endeavor a welcome to the State of California, upon the occasion of their sixteenth annual international convention, to be held in the City of San Francisco, July seventh to twelfth, eighteen hundred and ninety-seven; and

WHEREAS, It is believed to be for the best interest of the people of the State of California that a sufficient number of copies of said resolution be published in suitable form, to afford an opportunity to place a copy thereof in the hands of each visitor to the State upon the occasion of such convention; therefore, be it

Resolved by the Assembly, the Senate concurring therein, That the State Printer be and he is hereby directed to prepare and publish in the form of a booklet, journal page size, on coated book paper of sixty to eighty pounds per ream, thirty thousand copies of Assembly Concurrent Resolution Number Nine, relative to welcome to the Christian Endeavor societies to the State of California, upon the occasion of their sixteenth annual international convention, to be held in the City of San Francisco, July seventh to twelfth, eighteen hundred and ninety-seven, and that the State Printer use in publishing such resolution as aforesaid, such half-tone or other picture plates of public buildings and other notable features of the State as are indicated in such resolution; *provided*, such half-tone or other picture plates are either now owned by the State, or are furnished free of cost for use by the State Printer for this purpose; such publication to be paid for out of the contingent fund of the Assembly, and the Controller is hereby

authorized to draw a warrant in favor of the State Printer in payment therefor; and that when completed the said copies of such resolution in booklet form shall be distributed as follows: To the Secretary of State, for distribution to members of the Legislature, State officers, and such others as he may deem proper, five hundred copies; to the executive committee of the International Christian Endeavor Convention, San Francisco, twenty-nine thousand five hundred copies.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, and Withington—28.

NOES—Senators Gillette and Mahoney—2.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 11th day of March, passed Assembly Bill No. 213—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Also: Assembly Bill No. 340—An Act making an appropriation to pay the claim of Clement Bennett for reporting the case of the Southern Pacific Company vs. The Board of Railroad Commissioners.

Also: Assembly Bill No. 529—An Act to amend an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Also: Assembly Bill No. 498—An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children and to prevent and punish wrongs to children," approved March 29, 1878.

Also: Assembly Bill No. 141—An Act to regulate the profession, and provide for the registration of public accountants.

Also: Assembly Bill No. 277—An Act to amend Section 3766 of the Political Code of the State of California, relating to the publication of the delinquent tax list.

Also: Senate Bill No. 614—An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

Also: Adopted Assembly Constitutional Amendment No. 30—Proposed amendment to Article XIII, Section 1, of the Constitution, relative to revenue and taxation.

Also: Passed Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 615—An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 271—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Also: Assembly Bill No. 206—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Also: Assembly Bill No. 207—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to State Mining Bureau.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bills Nos. 213, 340, 141, 615, 271, 206, and 207 read first time, and ordered on file without reference to committee.

Assembly Bill No. 529 read first time, and referred to the Committee on City, City and County, and Town Government.

Assembly Bill No. 498 read first time, and referred to the Committee on Education and Public Morals.

Assembly Bill No. 277 read first time, and referred to the Committee on Judiciary.

Assembly Constitutional Amendment No. 30 referred to the Committee on Constitutional Amendments.

Senate Bills Nos. 614 and 261 ordered to enrollment.

GENERAL FILE—SENATE BILLS PROVIDING FOR THE PAYMENT OF CLAIMS
AGAINST THE STATE.

Senate Bill No. 157—An Act to appropriate the sum of \$300 to pay the claim of A. L. Wood, for the capture of Francisco Torres.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 157, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 157 passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorhees, and Withington—29.

NOES—None.

Title read and approved.

MOTIONS.

Senator Smith moved that the Senate pass on file all bills for the payment of claims against the State, and take up for consideration constitutional amendments.

Senator Withington moved, as an amendment to Senator Smith's motion, that the Senate proceed with the file of bills for the payment of claims against the State, and take up only such bills as the authors can state have no duplicate in the Assembly.

Amendment to motion adopted, and motion as amended carried.

Senate Bill No. 91—An Act making an appropriation for the relief of J. E. Atkinson, for injuries by him sustained while engaged in the service of the State, at the Stockton Insane Asylum.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 271—An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295 85), to pay the claim of the Tribune Printing Company against the State.

Bill passed on file, but to retain its place.

Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 438—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 316—An Act making an appropriation to pay the

claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 493—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner, from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 493, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 493 passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

Title read and approved.

Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Bill passed on file, but to retain its place.

Senate Bill No. 212—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Bill passed on file, but to retain its place.

Senate Bill No. 609—An Act making an appropriation to pay the claim of J. W. Sibole.

Bill passed on file, but to retain its place.

Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

Bill passed on file, but to retain its place.

Senate Bill No. 210—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Bill passed on file, but to retain its place.

Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinnes.

Bill passed on file, but to retain its place.

Substitute for Senate Bills Nos. 326, 153, 21, and 22—An Act making an appropriation to pay newspaper claims.

Bill passed on file, but to retain its place.

Senate Bill No. 686—An Act making an appropriation to pay the claim of Theodore A. Bell.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 686, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 686 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Voorheis, Withington, and Wolfe—32.

NOES—Senator Trout—1.

Title read and approved.

Senate Bill No. 247—An Act for the relief of John Mullan, and to appropriate money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 719—An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California as Sheriff of Plumas County.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 719, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 719 passed by the following vote:

AYES—Senators Androus, Bert, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Bill passed on file, but to retain its place.

Senate Bill No. 430—An Act for the relief of W. C. Guirey.

Bill passed on file, but to retain its place.

Senate Bill No. 394—An Act to provide for the payment of the claim of D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal.

Bill passed on file, but to retain its place.

Senate Bill No. 423—An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876.

Bill passed on file, but to retain its place.

Senate Bill No. 209 --An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Bill passed on file, but to retain its place.

Senate Bill No. 401—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act.

Bill passed on file, but to retain its place.

Senate Bill No. 575—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums, paid in the construction and erection of the Whittier State School.

Bill passed on file, but to retain its place.

Senate Bill No. 52—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 49-- An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 439—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 170—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 287—An Act for the relief of Charles F. Wells, and to appropriate money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 434—An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 602—An Act for the payment of the claim of Julius Herzog, and to appropriate money therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 487—An Act for the relief of J. W. Newbert, and to appropriate money therefor.

Bill passed on file, but to retain its place.

SENATE CONSTITUTIONAL AMENDMENTS.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XI of the Constitution, by adding thereto a new section, to be known as Section 20, in relation to tax levies by counties, and cities and counties.

Passed on file, but to retain its place.

Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 9 of Article XIII thereof, relative to the Board of Equalization, providing that said board shall consist of four members, to be elected at large by the electors of the State.

Passed on file, but to retain its place.

Senate Constitutional Amendment No. 5—An amendment to propose to the people of the State of California, repealing Section 12 of Article XIII of the Constitution of the State of California, relative to revenue and taxation.

Passed on file, but to retain its place.

Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, relating to revenue and taxation.

Passed on file, but to retain its place.

Senate Constitutional Amendment No. 13—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

Passed on file, but to retain its place.

Senate Constitutional Amendment No. 17—Proposing to amend Section 1 of Article XVIII of the Constitution of the State of California.

Senate Constitutional Amendment No. 17 read, as follows:

SENATE CONSTITUTIONAL AMENDMENT No. 17.

Resolution proposing an amendment to Section 1 of Article XVIII of the Constitution of the State of California.

Resolved by the Senate, the Assembly concurring. That the Legislature, at its regular session, commencing on the fourth day of January, Anno Domini eighteen hundred and ninety-seven, two thirds of all the members elected to each house concurring, hereby propose that section one of article eighteen of the Constitution of the State of California be amended so as to read as follows:

Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if a majority of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their Journals, with the yeas and nays taken thereon, and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and after such publication as may be deemed expedient, at the general election next following the proposal of such amendment. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by number or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

The roll was called, and Senate Constitutional Amendment No. 17 refused adoption by the following vote:

AYES—Senators Bert, Bulla, Dwyer, Gleaves, Mahoney, Morehouse, and Toner—7.

NOES—Senators Androus, Boyce, Brauhart, Denison, Dickinson, Doty, Flint, Gillette, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Prisk, Shine, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—23.

CONSIDERATION OF BILLS OUT OF ORDER.

Senator Boyce asked unanimous consent to take up out of order, for amendment, Assembly Bill No. 63—An Act to amend an Act approved March 26, 1893, entitled "An Act to create and administer a public school-teachers' annuity and retirement fund in the several counties, and cities and counties, in the State."

Consent granted.

The following amendment was submitted by Senator Boyce:

Amend Section 8, line 1, by inserting the following before the word "Section":
"Sec. 8."

Amendment adopted.

Bill read second time, ordered to reprint and reëngrossment.

Senator Langford asked unanimous consent to have Senate Bill No. 91 taken up for the purpose of amending.

Consent granted.

Senate Bill No. 91—An Act making an appropriation for the relief of J. E. Atkinson, for injuries by him sustained while engaged in the service of the State, at the Stockton Insane Asylum.

On motion of Senator Langford, Senator Withington was appointed a special committee of one to amend as follows:

Amend the bill by substituting the following therefor:

SUBSTITUTE FOR SENATE BILL No. 91.

An Act to pay the claim of J. E. Atkinson against the State of California, and making an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of J. E. Atkinson against the State of California.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said J. E. Atkinson for the sum of seven thousand five hundred dollars, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said J. E. Atkinson shall make and deliver to the Controller, upon the receipt of said warrant, a release of all his claims against the State of California.

SEC. 4. This Act shall take effect immediately.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 91, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Senate Constitutional Amendment No. 7—Proposing an amendment to Section 1 of Article XIV of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities, or cities and counties, having a population of one hundred thousand inhabitants and over, or the inhabitants thereof.

Senate Constitutional Amendment No. 7 re-referred to the Committee on Constitutional Amendments.

Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, to be known and designated as Section 7½, Article XI, thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government.

The following amendments were submitted by Senator Stratton:

Amend by striking out of line 20, page 2, of the printed bill, the word "thereat," and inserting in lieu thereof the word "thereon."

Amendment adopted.

Also: Amend by striking out of line 45, page 3, of the printed bill, the word "thereat," and inserting in lieu thereof the word "thereon."

Amendment adopted.

Also: Amend by striking out of the printed bill all of line 55, page 3, after the word "compensation," down to and including the word "preserved," in line 64, page 3, and inserting in lieu thereof the following: "for the number of such officers; for the consolidation or segregation of offices; for the number of deputies that each officer shall have, and for the compensation payable to each of such deputies; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards and of their clerks and attachés; also, to prescribe the manner and method by which all elections by the people shall be conducted, and may, in addition, determine the tests and conditions upon which electors, political parties and organizations may participate in any primary election."

Amendment adopted.

Also: Amend by striking out all of lines 73, 74, 75, 76, 77, and 78, on page 3 of the printed resolution, and inserting in lieu thereof the following: "as to any of the matters hereinabove provided for and declared by such County Government Act, not be subject to any law or amendment enacted by the Legislature, except by amendment first submitted to the electors and ratified in the manner hereinabove set forth."

Amendment adopted.

Also: Amend by inserting on line 12 of printed resolution, after the words "of Supervisors," the words "or other legislative body."

Amendment adopted.

Also: Amend by striking out of line 15 of printed resolution the word "daily."

Amendment adopted.

Also: Amend by striking out of line 43 of the printed resolution the word "daily."

Amendment adopted.

Also: Amend by striking out of line 30 of printed resolution the words "chief executive officer," and inserting in lieu thereof the following: "other legislative body."

Amendment adopted.

Senate Constitutional Amendment No. 10 ordered to print, and to retain its place on file.

Senate Constitutional Amendment No. 11—Proposed amendment to Section 7 of Article I of the Constitution, relative to juries.

Senate Constitutional Amendment No. 11 passed on file, but to retain its place.

Senate Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

Senate Constitutional Amendment No. 12 read, as follows:

SENATE CONSTITUTIONAL AMENDMENT No. 12.

A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section one of article two of the Constitution of the State of California be amended to read as follows:

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county of which he or she claims to vote

ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language, and write his or her own name, shall ever exercise the privilege of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upward at the time this amendment shall take effect.

On motion of Senator Stratton, the roll was called without debate.
The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Boyce moved a call of the Senate, at twelve o'clock and two minutes P. M.

AYES AND NOES.

On the motion for a call of the Senate, the ayes and noes were demanded by Senators Boyce, Bulla, and Morehouse.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bert, Boyce, Bulla, Chapman, Denison, Dwyer, Franck, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Mahoney, Morehouse, Prisk, Shine, Stratton, Toner, and Trout—20.

NOES—Senators Braunhart, Doty, Flint, Gillette, Jones, Langford, Luchsinger, Seawell, Shippee, Simpson, Smith, Voorheis, Withington, and Wolfe—14.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Secretary then announced that Senator Beard was the only Senator absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentee before the bar of the Senate.

Senator Simpson moved that further proceedings under call of the Senate be dispensed with.

AYES AND NOES.

On the motion that further proceedings under call of the Senate be dispensed with, the ayes and noes were demanded by Senators Boyce, Bulla, and Seawell.

The roll was called, with the following result:

AYES—Senators Bert, Braunhart, Dickinson, Doty, Flint, Gillette, Jones, Langford, La Rue, Luchsinger, Seawell, Shippee, Simpson, Smith, Voorheis, Withington, and Wolfe—17.

NOES—Senators Androus, Boyce, Bulla, Denison, Franck, Gleaves, Hall, Henderson, Holloway, Linder, Mahoney, Morehouse, Prisk, Shine, Stratton, Toner, and Trout—17.

The President voted aye, and declared the motion carried.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that Senate Constitutional Amendment No. 12 was refused adoption by the following vote:

AYES—Senators Androus, Bert, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Linder, Mahoney, Morehouse, Prisk, Shine, Stratton, Toner, Trout, and Voorheis—25.

NOES—Senators Boyce, Braunhart, Doty, Flint, Jones, Luchsinger, Seawell, Shippee, Simpson, Smith, Withington, and Wolfe—12.

NOTICES OF MOTIONS TO RECONSIDER.

Senator Boyce gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 12 was this day refused adoption.

Senator Morehouse gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 12 was this day refused adoption.

Senator Morehouse asked for and was granted permission to have his notice of motion to reconsider printed in the Journal.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following account and resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to pay the following bills, as per vouchers accompanying:

SACRAMENTO, CAL., March 4, 1897.

Senate of the State of California, to William Sampson, Dr.:

Three days' services, at \$5 per day.....\$15 00

Bought of Locke & Lavenson:

March 5—Thirty-two yards matting @ 75 cents.....\$24 00

Laying 32 yards matting @ 5 cents 1 60

Taking up old matting 1 00

Total\$26 60

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, together with the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrants in favor of William Sampson in the sum of \$15, and Locke & Lavenson in the sum of \$26 60, in payment of above accounts. The said sums to be paid out of the Contingent Fund of the Senate.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bert, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Smith, Toner, Trout, Withington, and Wolfe—25.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Also: Senate Bill No. 401—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act.

Also: Senate Bill No. 423—An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876.

Also: Senate Bill No. 394—An Act to provide for the payment of the claim of D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal.

Also: Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Also: Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Also: Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Also: Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Also: Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinnes.

Also: Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

Also: Senate Bill No. 316—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners.

Also: Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

JONES, Chairman.

Senate Bills Nos. 222, 401, 423, 394, 645, 644, 643, 642, 670, 205, 316, and 259 ordered on file for third reading.

LEAVE OF ABSENCE.

On motion of Senator Dickinson, Senator Pedlar was granted a leave of absence until Monday, March 15, 1897.

RECESS.

The hour of twelve o'clock and thirty minutes p. m. having arrived, the President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington.

Quorum present.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Voorheis moved a reconsideration of the vote whereby Assembly Bill No. 977 was refused final passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Beard, Boyce, Chapman, Denison, Dickinson, Doty, Franck, Gleaves, Hall, Henderson, Langford, Linder, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Toner, and Voorheis—21.

NOES—Senators Brauhart, Bulla, Dwyer, Flint, Gillette, Holloway, Jones, La Rue, Luchsinger, Smith, Stratton, Trout, and Withington—13.

SPECIAL ORDER.

On motion of Senator Seawell, the further consideration of Assembly Bill No. 977 was made a special order for Monday, March 15, 1897, at two o'clock p. m.

CONSIDERATION OF SENATE JOINT RESOLUTION OUT OF ORDER.

On motion of Senator Smith, Senate Joint Resolution No. 16 was taken up for consideration.

Senate Joint Resolution No. 16 was amended so as to read as follows:

SENATE JOINT RESOLUTION No. 16.

Joint resolution relating to the citrus fruit industry.

Resolved by the Senate of the State of California, the Assembly concurring, That—

WHEREAS, On January 8, 1897, there was introduced into the Senate by Senator Langford a joint resolution (No. 2) relative to the fruit industry, which resolution duly passed both the Senate and Assembly, and was transmitted to our Senators and Representatives in Congress; and

WHEREAS, Said joint resolution contained various proposed duties on fruits raised in this State which Congress was asked to impose as a protection from foreign competition; and

WHEREAS, The said proposed duties have been construed to be the maximum rates desired by the California fruit-producers, whereas in reality they are the minimum duties suggested, and are entirely inadequate to protect California producers from foreign competition in several of the kinds of fruit and fruit products named; therefore, be it

Resolved, That the proposed duty of one cent per pound on Zante currants is inconsistent and unjust, and if adopted will be ruinous to raisin-growers in the State of California; that the foreign dried grapes, known to commerce as "Zante currants," come in direct competition with medium grades of California raisins of all descriptions, particularly with seedless varieties, and if admitted into this country on less than a three cents per pound duty will take the place of and supplant the domestic product; that the seedless descriptions of raisins comprise twenty per cent (20%) or more of all the raisins grown in this State; that the so-called Zante currant is a seedless grape, and should be so classified, and be made subject to the same duty as raisins and all dried grapes; and that under proper encouragement the raisin industry will largely and profitably increase, and that without such encouragement a very important industry will be destroyed. We therefore believe a duty of three (3) cents per pound on raisins, Zante currants, sultanas, and all other dried products of the grape should be adopted;

Resolved, That we believe a duty of not less than three and one half (3½) cents per pound should be fixed on prunes and dried plums, and that at a less rate this industry must languish, and the large sums of money invested in it become unprofitable, and thus lessen the opportunity for labor, when thousands of laborers are already without the opportunity of supporting themselves and their families;

Resolved, That our Senators be instructed and our Representatives in Congress be requested to urge that the fruit schedule in the new tariff law to be submitted to Congress, at its special session, shall contain a duty of not less than forty cents per cubic foot on oranges, lemons, and limes, laid at a uniform rate, regardless of the size of the package, and when in bulk should be not less than five dollars per thousand; and a duty of not less than fifty cents per cubic foot on shaddocks, grape-fruit, and pomelos, or twenty-five dollars per thousand when in bulk. On citric acid there should be a specific duty of fifteen cents per pound; seventy-five cents per pound on essential oils of oranges and lemons; five cents per pound on the finished product of candied oranges, and lemon peel and preserved citron; three cents per pound on citron of commerce, when in pickle or brine; and on concentrated lemon and lime juice, in proportion to the amount of citric acid it contains, at the rate of ten cents per pound.

Resolved, That these resolutions be printed and duly attested and a copy be forwarded to each member of the Ways and Means Committee of the House of Representatives, and to each Senator and Representative in Congress from the State of California.

Resolved, That this resolution be forwarded by telegraph to Hon. Geo. C. Perkins, United States Senator, at Washington, D. C., by the Secretary of the Senate.

The roll was called, and Senate Joint Resolution No. 16 adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gileaves, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Shine, Simpson, Smith, Trout, and Voorheis—23.

NOES—Senator Doty—1.

The Secretary was directed to immediately prepare a message informing the Assembly of the foregoing action.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator La Rue introduced the following joint resolution, which was read, as follows:

SENATE JOINT RESOLUTION No. 17.

WHEREAS, Reciprocity has long been the slogan of the Republican party; and

WHEREAS, There is now a movement on foot to revoke the tariff on imported wines in view of introducing reciprocity; and

WHEREAS, The Democratic doctrine is to tax the luxuries of life; and

WHEREAS, Wine is a luxury; therefore, be it

Resolved by the Senate, the Assembly concurring. That our Senators in Congress be instructed and our Representatives requested to use all honorable means to defeat any and all reciprocity measures looking to the removal of the tariff on imported wines; and be it further

Resolved. That the tariff on imported wines be at least restored to the point fixed in the tariff of 1853, and to such higher point as to produce the greatest possible revenue;

Resolved. That a copy of these resolutions be immediately forwarded to each of our Senators and Representatives.

During the reading of the resolution, the following amendment was submitted by Senator Bulla:

Amend by striking out all of the preamble thereto.

Amendment adopted.

The roll was called, and Senate Joint Resolution No. 17 as amended adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—31.

NOES—Senators Braunhart and Prisk—2.

Senate Joint Resolution No. 17 ordered to print.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 7, have had the same under consideration, and respectfully report back the following substitute for the same, and recommend that it be adopted.

BRAUNHART, for the Committee.

SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT No. 7.

Proposing an amendment to Section 1 of Article XIV of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities and counties, cities, or towns, or the inhabitants thereof.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of all members of each house concurring, hereby propose that section one of article fourteen of the Constitution of said State be amended so as to read as follows:

Section 1. The use of all water now appropriated, or that may thereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, association, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed annually by the Board of Supervisors, or city and county, or city, or town council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year, and no longer.

Nothing in this article contained shall prohibit or invalidate any contract already made, or which shall hereafter be made, by or with any of such persons, companies, associations, or corporations, relating to the sale, rental, or distribution of water, or to the sale or rental of easements and servitudes of the right to the flow and use of water; nor to prohibit or interfere with the vesting of rights under any such contract; *provided*, that in all cities and counties, or cities, or towns in which the chief executive officer is the Mayor, the rates or compensation so fixed as by this section presented, by the Board of Supervisors, or city, city and county, or town council, or other governing body of

such cities and counties, cities, or towns, must be presented to the Mayor of said city and county, city, or town, for his approval. If approved by him he must sign it. If he does not approve of it, he shall return it, within ten days, with his objections, to the body in which it was originated, which shall enter such objections on the minutes, and proceed to reconsider it. If, after such reconsideration, it again passes such body, three fourths of the members voting therefor, the rates or compensation so fixed shall be final and not be subject to alteration for the term herein specified. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water-rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town where the same are collected, for the public use.

On motion of Senator Braunhart, Substitute for Senate Constitutional Amendment No. 7 was ordered to print.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Voorheis, by Senator Morehouse, moved a reconsideration of the vote whereby Substitute for Senate Bill No. 501 was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Voorheis—30.

NOES—None.

Substitute for Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

On motion of Senator La Rue, Senator Morehouse was appointed a special committee of one to amend as follows:

Amend by striking out of subdivision 3 of Section 1, line 21, amended printed bill, the words "have never been," and inserting in lieu thereof the words "are not."

Also: Amend by striking out of subdivision 4 of Section 1, line 23, amended printed bill, the word "after," and inserting the following: "corporations organized for and engaged in the business of fire and marine insurance may after."

Also: Amend by striking out of subdivision 4 of Section 1, line 23 amended printed bill, the word "one."

Also: Amend by inserting in subdivision 4 of Section 1, line 23, amended printed bill, after the word "three," the following: "of this section, invest the balance of their capital and any accumulations."

Also: Amend by striking out of subdivision 4 of Section 1, line 24, amended printed bill, the words "stocks or."

Also: Amend by striking out of subdivision 4 of Section 1, line 27, amended printed bill, the words "worth not less than sixty per cent of the face value," and inserting in lieu thereof the following: "provided, that a two-thirds vote of all the directors of such corporations shall approve such investment."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 501, with instructions to amend, respectfully reports the same back, amended as per instructions.

MOREHOUSE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reprint and reëngrossment.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

THIRD READING OF BILLS.

Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

The bill having been read third time on a previous day, the question was on its final passage.

The roll was called, and Assembly Bill No. 730 refused final passage by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Denison, Dickinson, Dwyer, Jones, Langford, La Rue, Morehouse, Seawell, Smith, Stratton, Voorheis, and Withington—16.

NOES—Senators Chapman, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Linder, Mahoney, Prisk, Shine, Shippee, Simpson, Toner, and Trout—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 730 was this day refused final passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 902 (Substitute for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

On motion of Senator Stratton, Senator Withington was appointed a special committee of one to amend as follows:

Amend Section 3 of printed Assembly Bill No. 902 by inserting in line 3 thereof, after the words "provided for," the words "at the expiration of said last-named term, two of said three offices shall cease and determine, and the powers and duties herein specified shall devolve upon one Highway Commissioner."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 902, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Dickinson, Senator Withington was appointed a special committee of one to amend as follows:

Amend by substituting for Section 5 of said bill the following:

SEC. 5. The three chief executive officers hereinbefore provided for shall, immediately upon qualifying, organize, by electing one of their number as president, and shall adopt a seal for the authentication of its acts, records, and proceedings.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 902, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to reprint, and to retain its place on file.

GENERAL FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 513—An Act to provide for the construction of a State highway or wagon road from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

The bill having been passed on a previous day, and the title amended, the same was read and approved.

Substitute for Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 166, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee is of the opinion that said bill is unconstitutional.

WITHINGTON, for the Committee.

On motion of Senator Morehouse, Senator Simpson was appointed a special committee of one to amend as follows:

Amend by inserting in Section 2, line 29, printed bill, after the word "sickness," the following: "*provided, however,* that nothing in this Act contained shall be construed to prevent companies operating under this Act from incorporating in their contracts stipulations binding them to return to policy-holders desiring to cancel their policies and withdraw, any unused premiums."

Also: Amend Section 4, line 1, of printed bill, by changing the word "July" to read "May."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 166, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to reprint and reëngrossment.

Senate Bill No. 416—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill read third time.

The Bureau of Census reported, however, that the percentage of the population aged 15 and over who were employed in the manufacturing sector was 15.3 percent in 1970, 14.9 percent in 1975, and 14.5 percent in 1980. The percentage of the population aged 15 and over who were employed in the service sector was 20.3 percent in 1970, 21.3 percent in 1975, and 21.8 percent in 1980. The percentage of the population aged 15 and over who were employed in the agricultural sector was 3.9 percent in 1970, 3.8 percent in 1975, and 3.7 percent in 1980. The percentage of the population aged 15 and over who were employed in the construction sector was 4.1 percent in 1970, 4.0 percent in 1975, and 3.9 percent in 1980. The percentage of the population aged 15 and over who were employed in the transportation and communication sector was 1.1 percent in 1970, 1.1 percent in 1975, and 1.1 percent in 1980. The percentage of the population aged 15 and over who were employed in the health and education sector was 1.1 percent in 1970, 1.1 percent in 1975, and 1.1 percent in 1980. The percentage of the population aged 15 and over who were employed in the government sector was 1.1 percent in 1970, 1.1 percent in 1975, and 1.1 percent in 1980. The percentage of the population aged 15 and over who were employed in the other sectors was 1.1 percent in 1970, 1.1 percent in 1975, and 1.1 percent in 1980.

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Figure 2. Number of eggs per female and twenty-one-day post-fertilization hatch of *Parachanna aequilifrons* in Lake Tanganyika.[illegible]

FIG. 1. Seasonal changes that occurred in water depth and bottom water temperature in the study area.

198. Every person who has a right to be heard in the case of the proposed change is entitled to the presence of the Judge of First Instance. The presence of the Judge is the subject of the law.

and 1990-1991, the average annual rate of increase in the number of people in the 15-24 age group was 1.2%.

1967. The respondents were extremely positive in the manner described and have been the first to make such positive claims for use of the program, and that such claims are borne out by the results of the studies. The respondents also stated that the program is a valuable asset to the state and that it is a valuable asset to the state and that it is a valuable asset to the state.

[illegible]

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Fig. 1. Aerial view from ground level looking at the National Hall of the State of California as seen from the top of Mount St. Helens.

[illegible]

Fig. 6. Sample cross-sections showing and comparing the soil 1-2mm and 2-4mm fractions.

[illegible]

1. The company has been able to raise the price of its product by 10% without losing any sales.

is also producing in the world a false concept of America performed and projected through the screen.

A. The following groups have been studied in the field of the
nature of experience in perception.

¹⁰ The following is a list of the cases given reference to, as by the master of the vessel, in the *Interrogatory*:

5. The Government is responsible for ensuring that the law enforcement officers do not use force against the protesters or members of a peace team, or against other protesters.

It is the responsibility of the user to ensure that the information is used in a responsible manner and that the user is aware of the potential risks and benefits of the information.

2. The following information is given for the second company under study:

a. The rate of interest from that company that received that other money for a last service or a service was reduced to less than half for the service rendered in giving such seed to a new other company.

is the official version of the rules and the records adopted by the Board of Directors of the Government of Ontario.

Fig. 1. Raising ground-water table and a record of the soil moisture level in depth, 1960-1961, in the forest of *Pinus sylvestris*.

1. The following are the names of the persons who are the authors of the following works:

over five hundred tons, four dollars per foot draught and three cents per ton for each and every ton net registered measurement. In all cases where inward-bound vessels are not spoken until inside the bar, the rates of pilotage above provided shall be reduced fifty per cent. Any vessel the master or mate of which holds a special pilot's license and which displays the requisite signal (which signal shall be designated by the board), or that is in tow of a steam tugboat, the master of which is a licensed special pilot, or that is engaged in the whaling or fishing trades, shall be exempt from all pilotage at any port in this State, unless a general pilot be actually employed, and all provisions of law to the contrary are hereby repealed.

Sec. 8. Section twenty-four hundred and seventy of the said Political Code is hereby amended so as to read as follows:

2470. Any general pilot bringing a vessel into the harbor of San Francisco (or one connected with his boat) shall be entitled to take such vessel to sea again, when it next departs; *provided*, such pilot and those connected with his boat have not in the meantime become in any manner disqualified or incapacitated; *and provided*, that the services of a pilot are required by the master of such vessel; and if such preference be disregarded and a different pilot employed by the master of such vessel, the vessel, master, and owner shall be liable for one half the amount which would have been charged if the services had been accepted.

Sec. 9. Section twenty-four hundred and ninety of the said Political Code is hereby amended so as to read as follows:

2490. The board shall charge for each license to a general pilot ten dollars; and any master or mate of an American vessel, who can pass the requisite examination, being an American citizen, can, upon application to the Pilot Commissioner, obtain a special license, which must be renewed annually, for the use of such vessel only as he may be regularly in command of, by paying the commissioner a fee of ten dollars for the same, and both general and special pilots shall pay two dollars and fifty cents for each renewal of a license. Said fees so collected shall go into the same fund as the pilotage collections and be fully accounted for in the same manner.

Sec. 10. This Act shall take effect from and after its passage.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 416, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

AYES AND NOES.

On the adoption of the report of the special committee of one and amendments, the ayes and noes were demanded by Senators Gleaves, Luchsinger, and Prisk.

The roll was called, and the report of the special committee of one and amendments refused adoption by the following vote:

AYES—Senators Beard, Boyce, Brauhart, Dwyer, Gillette, Gleaves, Jones, Luchsinger, Prisk, Seawell, Stratton, Trout, and Withington—13.

NOES—Senators Andrus, Bert, Bulla, Denison, Dickinson, Doty, Flint, Franck, Hall, Henderson, Langford, Linder, Mahoney, Morehouse, Shippee, Simpson, Toner, and Wolfe—18.

WITHDRAWAL OF BILL.

Senator Gleaves asked unanimous consent to withdraw Senate Bill No. 416.

Consent granted.

Senate Bill No. 416 withdrawn, and ordered stricken from the file.

RESOLUTION.

Senator Morehouse offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Postal Telegraph Company for the sum of \$10 87, payable out of the Contingent Fund of the Senate, in payment for telegram of Senate resolution relative to the appointment of Hon. Frank L. Coombs as Minister to Japan.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 4—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, and State of California, and to make an appropriation therefor—and presented the same to the Governor on this day, at twelve o'clock and forty-five minutes P. M.

Also: Senate Bill No. 494—An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506 of the Political Code, relating to State Normal Schools—and presented the same to the Governor on this day, at three o'clock and fifty-five minutes P. M.

JONES, Chairman.

RECESS.

At four o'clock and twenty-five minutes P. M., on motion of Senator Prisk, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Denison, Doty, Flint, Franck, Gillette, Gleaves, Jones, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 312—An Act for the relief of Charles F. Wells, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that the committee believes that it has no authority in law to allow the same, and asks that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bill No. 312 re-referred to the Committee on Finance.

ON COMMERCE, HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Commerce, Harbors, Rivers, and Coast Defenses, to whom was referred Assembly Bill No. 158—An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the port of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GLEAVES, Chairman.

Assembly Bill No. 158 ordered on file for second reading.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 320—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners is defendant.

Bill passed on file, but to retain its place.

Assembly Bill No. 770 (Substitute for Assembly Bill No. 148)—An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under power of mortgages and trust deeds.

Bill read third time.

The roll was called, and Assembly Bill No. 770 refused final passage by the following vote:

AYES—Senators Dwyer, Feeney, Gillette, La Rue, Mahoney, Prisk, and Shine—7.

NOES—Senators Androus, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Henderson, Holloway, Jones, Luchsinger, Morehouse, Seawell, Simpson, Smith, Toner, Trout, Voorheis, and Withington—23.

NOTICE OF MOTION TO RECONSIDER.

Senator Seawell gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 770 was this day refused final passage.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Flint, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 12th day of March passed Assembly Bill No. 657—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Also: Senate Bill No. 463—An Act to amend Section 1114 of the Political Code of the State of California, relating to registration.

Also: Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-third session the result of such investigation, and making an appropriation for the expenses of such commission.

Also: Assembly Bill No. 849—An Act to authorize the Superintendents of Streets of municipalities in this State to enter into contracts for work upon public streets, in said municipalities, and to provide a lien for the expense thereof, and for suits to foreclose said liens.

Also: Adopted Assembly Constitutional Amendment No. 19—To amend Section 12, Article XIII, by providing that persons voting at a general election shall be exempt from the payment of poll tax.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 657 read first time, and referred to the Committee on City, City and County, and Town Governments.

Senate Bill No. 463 ordered to enrollment.

Senator Stratton moved that Assembly Bill No. 875 be placed on file without reference to committee.

The roll was called, and the motion lost by the following vote:

AYES—Senators Androus, Beard, Braunhart, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Henderson, Holloway, La Rue, Prisk, Seawell, Stratton, and Wolfe—16.

NOES—Senators Boyce, Bulla, Dickinson, Feeney, Gillette, Jones, Mahoney, Morehouse, Simpson, Toner, Trout, and Withington—12.

Assembly Bill No. 875 read first time, and referred to the Committee on Finance.

On motion of Senator Stratton, the Committee on Finance was instructed to report back on Assembly Bill No. 875 by two o'clock to-morrow afternoon.

Assembly Bill No. 849 read first time, and referred to the Committee on Judiciary.

Assembly Constitutional Amendment No. 19 referred to the Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: I am directed to ask your honorable body to return to the Assembly, Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor—for further consideration.

Also: I am directed to inform your honorable body that the Assembly on the 12th day of March amended, and passed as amended, Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupation.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

On motion of Senator Gleaves, consideration of Assembly amendments to Senate Bill No. 370 was postponed until to-morrow.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 12th day of March passed Senate Bill No. 137—An Act to amend the Political Code of California by adding a new section, to be known as Section 2644, relating to road commissioners.

Also: Senate Bill No. 114—An Act to amend Section 1127 of the Penal Code, relating to charging the jury.

Also: Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

Also: Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

Also: I am directed to request your honorable body to return to the Assembly, Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor—for further consideration.

Also: I am directed to inform your honorable body that the Assembly on the 11th day of March passed Assembly Bill No. 410—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 137, 114, 116, and 102 ordered to enrollment.

Senate Bill No. 100 ordered returned to the Assembly, as requested by that body.

Assembly Bill No. 410 read first time, and ordered on file without reference to committee, on motion of Senator Smith.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 11th day of March passed Assembly Bill No. 121—An Act to create and regulate in any city, or city and county, in this State, public warehouses, other than warehouses for the storage of grain and wool, and to enforce warehouse liens.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 121 read first time, and ordered on file without reference to committee, on motion of Senator Stratton.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: I am directed to request your honorable body to return Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations—to the Assembly for further consideration.

Also: I am directed to inform your honorable body that the Assembly on the 12th day of March adopted Senate Joint Resolution No. 16, relative to the citrus fruit industry.

Also: On the 12th day of March passed Assembly Bill No. 242—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond.

Also: Assembly Bill No. 942—An Act to provide for the auditing and examination of the claims against the State of soldiers who served in the Indian wars in California, during the years from 1847 to 1857, to authorize the Adjutant-General to appoint a clerk for that purpose, and making an appropriation for his salary.

Also: Assembly Bill No. 926—An Act giving a lien to blacksmiths, woodworkers, and all other persons employed upon any vehicle or implement of husbandry, for labor performed or material furnished upon the same, and providing for liens upon horses and other animals for the cost of shoeing the same.

Also: Senate Bill No. 101—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements, by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor.

Also: Assembly Bill No. 743—An Act to amend Section 3342 of the Political Code of the State of California, and to add a new section thereto, to be known as Section 3346 thereof, all relating to volunteer fire departments.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Senate Bill No. 370 ordered returned to the Assembly, as requested by that body.

Senate Joint Resolution No. 16 ordered to enrollment.

Assembly Bills Nos. 242 and 942 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bills Nos. 926 and 743 read first time, and referred to the Committee on Judiciary.

Senate Bill No. 101 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: I am directed to return to your honorable body Assembly Concurrent Resolution No. 6, and request that it be adopted by your honorable body as it stood after the Senate had receded from its amendments thereto.

Also: I am directed to inform your honorable body that the Assembly on the 12th day of March concurred in the Senate amendment to Assembly Bill No. 727—An Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act."

Also: Assembly Bill No. 224—An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.

Also: Assembly Bill No. 382—An Act to repeal Sections 628a, 630, 632b, and 633, and to amend Sections 628, 635, and 636 of the Penal Code of the State of California, relating to fish.

Also: Assembly Bill No. 200—An Act to amend Sections 925-928 of the Penal Code of the State of California, and to add a new section to said Code, to be known as Section 929, relating to grand juries, their powers and duties.

Also: On the 12th day of March passed Senate Bill No. 620—An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley.

Also: Assembly Bill No. 521—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

S. J. DUCKWORTH, Chief Clerk.

By W. G. HAWKETT, Assistant.

Assembly Concurrent Resolution No. 6 ordered on file.

Senate Bill No. 620 ordered to enrollment.

Assembly Bill No. 521 read first time, and, on motion of Senator Franck, ordered on file without reference to committee.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be returned to the Assembly, in accordance with the request of that body.

VOORHEIS, Chairman.

Assembly Bill No. 160 ordered returned to the Assembly, as requested.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 483—An Act making an appropriation to pay the claim of Modoc County against the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 483 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Prisk, Sewell, Shippee, Simpson, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

WITHDRAWAL OF BILL.

Senator Franck asked unanimous consent to withdraw Senate Bill No. 438—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

Consent granted.

Senate Bill No. 438 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

SENATE CONCURRENT RESOLUTION No. 11.

Resolved by the Senate, the Assembly concurring. That the Secretary of State be authorized to continue the employment of the electrician, engineer, and fireman, for the remainder of the session, at an expense not to exceed one hundred and ninety-two dollars, one half to be charged to the Contingent Fund of the Senate and one half to the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant therefor, and the Treasurer is authorized and directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report of the committee and resolution adopted by the following vote:

AYES—Senators Androus, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Sewell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—31.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 336—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Bill read third time.

The roll was called, and Senate Bill No. 336 passed by the following vote:

AYES—Senators Brauhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

Senate Bill No. 727—An Act ceding jurisdiction to the United States over certain lands in Los Angeles County, occupied by the Pacific Branch of the National Home for Disabled Volunteer Soldiers.

Senator Flint asked unanimous consent to withdraw Senate Bill No. 727 from the special urgency file, and substitute therefor on file Assembly Bill No. 656—An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State prisons.

Consent granted.

Senate Bill No. 727 withdrawn, ordered stricken from the special urgency file, and ordered on the third-reading file, and Assembly Bill No. 656 substituted therefor on the special urgency file.

RESOLUTION—(CASE OF URGENCY).

Senator Flint offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 656 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

LEAVE OF ABSENCE.

Senator Dwyer was granted a leave of absence until Monday.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 656—An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State prisons.

Bill read second and third times.

The roll was called, and Assembly Bill No. 656 finally passed by the following vote:

AYES—Senators Androus, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shippee, Simpson, Smith, Trout, Voorheis, and Wolfe—26.

NOES—None.

Title read and approved.

Assembly Bill No. 943 (Committee Substitute for Assembly Bill No. 719)—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws.

Bill passed on file, but to retain its place.

Assembly Bill No. 632—An Act to provide for the organization and management of county fire insurance companies.

Bill read third time.

The roll was called, and Assembly Bill No. 632 finally passed by the following vote:

AYES—Senators Androus, Boyce, Brauhart, Bulla, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 367—An Act entitled an Act to amend the Political Code, by adding a new section prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Bill read second and third times.

Bill passed on file, but to retain its place.

MOTIONS.

Senator La Rue moved that the Committee on Finance be instructed to report back Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor.

So ordered.

Senator Mahoney moved that the Committee on Mines, Drainage, and Mining Debris be instructed to report back to-morrow Assembly Bill No. 943 (Committee Substitute for Assembly Bill No. 719)—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws.

So ordered.

ADJOURNMENT.

At ten o'clock and five minutes P. M., on motion of Senator Seawell, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 13, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Thursday, March 11, 1897, was approved.

GENERAL FILE—SENATE BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT, INCLUDING DEFICIENCY BILLS.

Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 259 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunnhart, Bulla, Chapman, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Bill passed on file, but to retain its place.

LEAVE OF ABSENCE.

Senator Langford was granted a leave of absence for the day, as requested by Senator Voorheis.

WITHDRAWAL OF BILL FROM COMMITTEE.

By request of Senator Boyce, Assembly Bill No. 498—An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878—was ordered withdrawn from the Committee on Educa-

tion and Public Morals and placed on the special file of Assembly bills in its proper place.

SENATE BILLS PROVIDING FOR THE PAYMENT OF CLAIMS AGAINST THE STATE.

Substitute for Senate Bill No. 91—An Act to pay the claim of J. E. Atkinson against the State of California, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 271—An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295 85) to pay the claim of the Tribune Printing Company against the State.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 271, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 271 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Withington—29.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Prisons and Prison Buildings, to whom was referred Assembly Bill No. 842—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

MAHONEY, Chairman.

Assembly Bill No. 842 ordered on file for second reading.

COMMUNICATION—(OUT OF ORDER).

The following communication was read and ordered printed in the Journal:

BERKELEY, CAL., March 11, 1897.

To the Secretary of the Senate, Sacramento, Cal.:

DEAR SIR: I have the honor to inclose herewith a certified copy of the action of the Board of Regents of the University of California at their meeting, held March 9, 1897.

Respectfully,

W. A. MCKOWEN,
Assistant Secretary of the Board of Regents.

I, W. A. McKowen, Assistant Secretary of the Board of Regents of the University of California, hereby certify that the following resolution was unanimously adopted at a meeting of the Board of Regents held March 9, 1897:

Resolved, That the thanks of the Board of Regents be extended to the Legislature for the patient hearing given to those who represented the interests and wants of the

University, and for the attention to and the appreciation of such wants shown by the Legislature, and that such disposition on the part of this board should be communicated to the Legislature before its adjournment.

Given under my hand and the seal of the University of California, at Berkeley, this 11th day of March, 1897.

W. A. McKOWEN,
Assistant Secretary of the Board of Regents.

SENATE BILLS PROVIDING FOR THE PAYMENT OF CLAIMS AGAINST THE
STATE—(RESUMED).

Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Bill passed on file temporarily, but to retain its place.

Senate Bill No. 316—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners.

Bill passed on file, but to retain its place.

Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Bill read third time.

Bill passed on file, but to retain its place.

SPECIAL ORDER.

Senator Boyce moved that his motion to reconsider the vote whereby Senate Constitutional Amendment No. 12 was on a previous day refused adoption, be postponed until Tuesday at eleven o'clock A. M., and be made a special order for that hour.

Senator Withington moved as an amendment for the motion of Senator Boyce that the motion to reconsider be made a special order for eleven o'clock A. M. to-day.

Amendment adopted, and the motion as amended carried.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Boyce moved a reconsideration of the vote whereby Senate Constitutional Amendment No. 12 was refused adoption.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Boyce moved a call of the Senate, at eleven o'clock and one minute A. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franek, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

On motion of Senator Withington, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that the motion to reconsider the vote whereby Senate Constitutional Amendment No. 12 was refused adoption was carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Mahoney, Morehouse, Prisk, Shippee, Stratton, Toner, and Trout—22.

NOES—Senators Braunhart, Doty, Flint, Franck, Gillette, Jones, Luchsinger, Seawell, Simpson, Smith, Voorheis, Withington, and Wolfe—13.

POSTPONEMENT OF RECONSIDERATION.

Senator Boyce moved that the further consideration of Senate Constitutional Amendment No. 12 be postponed until Tuesday, March 16th, at eleven o'clock A. M.

AYES AND NOES.

On the motion to postpone, the ayes and noes were demanded by Senators Shippee, Doty, and Bulla.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Chapman, Denison, Gleaves, Henderson, Holloway, La Rue, Linder, Mahoney, Morehouse, Prisk, Shippee, Stratton, Toner, and Trout—19.

NOES—Senators Braunhart, Dickinson, Doty, Flint, Franck, Gillette, Jones, Luchsinger, Seawell, Simpson, Smith, Voorheis, Withington, and Wolfe—14.

POINT OF ORDER.

Senator Withington raised the point of order that the motion of Senator Boyce to postpone the vote until next Tuesday required a two-thirds vote under Rule XXIX.

The President ruled that the motion being to postpone a special order, it could not be considered under Rule XXIX, and declared the point of order not well taken.

Senate Constitutional Amendment No. 12 ordered on file.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Simpson moved a reconsideration of the vote whereby Assembly Bill No. 730 was refused final passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Doty, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—24.

NOES—Senator Holloway—1.

Assembly Bill No. 730—An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes.

The question recurring on the final passage of Assembly Bill No. 730.

The roll was called, and Assembly Bill No. 730 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Denison, Doty, Gleaves, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—21.

NOES—Senators Chapman, Dickinson, Hall, Henderson, Holloway, Linder, and Shippee—7.

Title read and approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code; all of said sections relating to public lands and revenue and taxation.

JONES, Chairman.

Senate Bills Nos. 347 and 330 ordered on file for third reading.

SENATE BILLS PROVIDING FOR THE PAYMENT OF CLAIMS AGAINST THE STATE—(RESUMED).

Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

The bill having been passed on file temporarily, it was taken up and read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 386, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee expresses no opinion as to the constitutionality of this claim.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 386 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Flint, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Smith, Stratton, Trout, and Voorheis—25.

NOES—None.

Title read and approved.

Senate Bill No. 212—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Bill passed on file, but to retain its place.

Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Bill passed on file, but to retain its place.

Senate Bill No. 609—An Act making an appropriation to pay the claim of J. W. Sibole.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 609, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee expresses no opinion as to the constitutionality of this claim.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Denison, Dickinson, Doty, Flint, Franck, Hall, Henderson, Holloway, Jones, Linder, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 205, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 205 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Smith, Toner, Trout, Withington, and Wolfe—26.

NOES—Senator Bulla—1.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Withington, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 1st day of March passed Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 160 read first time, and ordered on file for second reading without reference to committee.

MOTION.

On motion of Senator Withington, the time for the consideration of Senate bills providing for the payment of claims against the State was extended until twelve o'clock and thirty minutes P. M.

Senate Bill No. 210—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Bill passed on file, but to retain its place.

Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinnes.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 670, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee expresses no opinion as to the constitutionality of this bill.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 670 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—30.

NOES—Senators Bulla and Withington—2.

Title read and approved.

Substitute for Senate Bills Nos. 326, 153, 21, and 22—An Act making an appropriation to pay newspaper claims.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bills Nos. 326, 153, 21, and 22, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee expresses no opinion as to the constitutionality of this bill.

WITHINGTON, for the Committee.

The roll was called, and Substitute for Senate Bills Nos. 326, 153, 21, and 22 refused passage by the following vote:

AYES—Senators Bert, Braunhart, Franck, Henderson, Linder, and Voorheis—6.

NOES—Senators Androus, Aram, Beard, Bulla, Dwyer, Gillette, Gleaves, Holloway, Jones, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, and Withington—19.

At twelve o'clock and twenty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 13, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 140—An Act providing for general primary elections within the State of California, and to promote the purity thereof.

JAMES H. BUDD, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 13, 1897. }

To the honorable Senate of the State of California:

I hereby nominate Abbot Kinney, of Los Angeles, Trustee of the Whittier State School, vice Charles H. Keyes, resigned, who was appointed, vice Andrew Mullin, term expired, and request your consent to his appointment.

Also: I hereby nominate William R. Rowland, of Los Angeles, Trustee of the Whittier State School, vice W. C. Patterson, term expired, and request your consent to his appointment.

Also: I hereby nominate W. J. Prout, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice D. C. Reed, term expiring March 16, 1897, and request your consent to his appointment.

JAMES H. BUDD, Governor.

Referred to the Committee on Executive Communications and Nominations.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luch-singer, Mahoney, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Wolfe asked for and was granted a leave of absence until Monday.

Senator Denison asked for and was granted a leave of absence until Monday.

COMMUNICATION—(OUT OF ORDER).

The President pro tem. ordered the Secretary to read a telegram from T. H. Ward, Clerk of the Supreme Court of the State of California, addressed to Leslie F. Blackburn, Sergeant-at-Arms of the Senate, stating that A. M. Lawrence and L. L. Levings had been granted a writ of habeas corpus by the said Supreme Court, releasing them from custody on their each giving bail in the sum of \$1,000, pending their appearance before the said Supreme Court, on Tuesday next.

After the reading of the telegram, the President pro tem. announced that the bonds referred to had been executed and approved by a Superior Judge of Sacramento County.

RESOLUTION—(OUT OF ORDER).

Senator Boyce offered the following resolution, and moved its adoption:

WHEREAS, It has just been brought to the attention of the Senate that a writ of habeas corpus has been this day issued by the Supreme Court of the State of California to inquire into the legality of the imprisonment of two certain individuals, to wit: Andrew M. Lawrence and L. L. Levings, and said writ is made returnable before said court at ten o'clock A. M., Tuesday, the 16th day of March, 1897, when said matter is to be heard; and

WHEREAS, Said imprisonment is caused by an order, judgment, and decree of this Senate, adjudging said individuals guilty of a contempt of this Senate; and

WHEREAS, It is deemed proper that this Senate should be represented at said hearing; now, therefore, be it

Resolved by the Senate of the State of California, That the Hon. W. F. Fitzgerald, the Attorney-General of this State, be and he is hereby requested to appear at said time and place, as the attorney of this Senate, and then and there to resist the discharge of said Lawrence and Levings, and that the Hon. H. V. Morehouse, one of the members of this body, be also requested to also then and there appear as associate counsel on behalf of this Senate.

Resolution adopted.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes p. m.)

Assembly Bill No. 902 (Substitute for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

At three o'clock and twenty-five minutes p. m., on motion of Senator Bulla the consideration of Assembly bills was continued until Assembly Bill No. 902 should be disposed of.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Bulla moved a call of the Senate, at three o'clock and forty-five minutes p. m.

The roll was called, and the following Senators answered to their names:

Senators Beard, Boyce, Braunhart, Bulla, Chapman, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington.

The Secretary then announced that Senators Aram, Dickinson, and Seawell were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At three o'clock and fifty minutes p. m., Senators Aram, Dickinson, and Seawell were brought before the bar of the Senate.

On motion of Senator Voorheis, the Senators were excused for absence.

On motion of Senator Voorheis, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President pro tem. then announced that Assembly Bill No. 902 was finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Flint, Gleaves, Jones, La Rue, Linder, Luchsinger, Prisk, Shine, Simpson, Stratton, Trout, Voorheis, and Withington—22.

NOES—Senators Feeney, Franck, Gillette, Hall, Henderson, Holloway, Mahoney, Morehouse, Shippee, Smith, and Toner—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Braunhart gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 902 was this day finally passed.

LEAVE OF ABSENCE.

Senator Prisk was granted a leave of absence until Monday, at ten o'clock and thirty minutes A. M.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 529—An Act to amend an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Also: Assembly Bill No. 657—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GILLETTE, Chairman.

Assembly Bills Nos. 529 and 657 ordered on file for second reading.

CONSIDERATION OF SENATE JOINT RESOLUTIONS.

Senator Doty asked unanimous consent to take up for consideration Senate Joint Resolutions Nos. 13 and 14.

Consent granted.

SENATE JOINT RESOLUTION No. 13.

"WHEREAS, There is now pending in the House of Representatives a bill entitled H. R. 260—"A bill to increase the salary of letter-carriers"—said bill having passed the Senate by an unanimous vote and reported favorably by the Committee on Post Offices and Post Roads of the House, the provisions of the bill adding a fourth grade of salary in first-class offices of twelve hundred dollars per annum, and in second-class offices one thousand dollars per annum, the present salary being six hundred dollars to eight hundred dollars and one thousand dollars in first class offices, and six hundred dollars and eight hundred and fifty dollars in second-class offices;

WHEREAS, Under present conditions, a carrier entering the service must serve at least eight years before he can obtain the highest grade of salary, the substitute list and subsequent grades of service requiring that time;

WHEREAS, The carrier service is self-supporting and a source of revenue to the Government, the duties of the carrier exacting, arduous, and responsible, requiring a high grade of physical and mental ability;

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators and Representatives at Washington be and are hereby requested to urge the passage of said bill at the present session of Congress; that the Secretary of the Senate be and is hereby instructed to transmit a copy of these resolutions to our Representatives in Congress; also, to Hon. Thos. B. Reed, Speaker of the House of Representatives.

Senator Doty moved the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Chapman, Doty, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Shippee, Smith, Trout, Voorheis, and Withington—21.

NOES—Senator Jones—1.

SENATE JOINT RESOLUTION No. 14.

A joint resolution relative to the classification of clerks in first and second class post offices.

WHEREAS, There is now pending in the House of Representatives a bill entitled H. R. 3273—"A bill for the classification of clerks in the first and second class post offices"; said bill has the approval of Postmaster-General Wilson, and would remove inequalities in the service which the postal authorities have long sought to remedy;

WHEREAS, At present salaries are not regulated by the labor performed nor the importance thereof. Clerks employed on the same kind of work are unequally paid, and in some instances those doing less work are paid more than others;

WHEREAS, It is said by the Committee on Post Offices and Post Roads of the House that in this bill the designations are defined, the duties are determined, the salaries fixed. It is certainly a reasonable proposition. Certainty, equality, fairness, and reality are substituted for uncertainty, inequality, unfairness, and artificiality, and in order to accomplish these desirable ends no additional appropriation will be required to put this measure into operation. The bill speaks for itself. No extravagant salaries are promised; only a fair and definite legal status is sought for individual clerks, and they are entitled to it; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring. That our Senators and Representatives at Washington be and are hereby requested to urge the passage of said bill at the present session of Congress; that the Secretary of the Senate be and is hereby instructed to transmit a copy of these resolutions to our Representatives in Congress; also, to Hon. Thomas B. Reed, Speaker of the House of Representatives.

Senator Doty moved the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Chapman, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Shippee, Simpson, Toner, Trout, Voorheis, and Withington—23.

NOES—None.

LEAVE OF ABSENCE.

Senators Dickinson, Aram, and Seawall, of the committee on Examiner investigation, were excused for the day, at four o'clock and three minutes P. M., for committee work.

Senators Bulla and Stratton were granted leave of absence to appear as witnesses before the committee on Examiner investigation, at four o'clock and three minutes P. M.

POSTPONEMENT OF NOTICE OF MOTION TO RECONSIDER.

Senator Boyce asked unanimous consent to postpone his motion to reconsider the vote whereby Assembly Bill No. 632 was on a previous day finally passed, until Monday, March 15, 1897.

Consent granted.

MOTION.

On motion of Senator Stratton, Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature, at its thirty-third session, the result of such investigation, and making an appropriation for the expenses of such commission—was placed at the head of the Assembly file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Substitute for Senate Bill No. 91—An Act to pay the claim of J. E. Atkinson against the State of California, and making an appropriation therefor.

Also: Substitute for Senate Bill No. 166—An Act to amend an Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance, approved March 19, 1891.

Also: Substitute for Senate Bill No. 501—An Act to amend Section 427 of the Civil Code, in relation to insurance.

JONES, Chairman.

Substitutes for Senate Bills Nos. 91, 166, and 501 ordered on file for third reading.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 261—An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 614—An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates.

And presented the same to the Governor on this day, at twelve o'clock and forty-five minutes P. M.

JONES, Chairman.

On motion of Senator Withington, the Secretary was instructed to make up a special urgency file, upon which each Senator may place one bill, the same to be made up alphabetically as the Senators' names appear upon the roll, and to follow the present special urgency file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 242—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bill No. 242 re-referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature, at its thirty-third session, the result of such investigation, and making an appropriation for the expenses of such commission—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOORHEIS, Chairman.

On motion of Senator Stratton, Assembly Bill No. 875 was ordered placed at the head of the special file of Assembly bills.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Senator Simpson, the Senate adjourned until Monday, March 15, 1897, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER, }
Monday, March 15, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Friday, March 12, 1897, was approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 14, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following constitutional amendment has been correctly engrossed: Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, to be known and designated as Section 7½, Article XI, thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government.

JONES, Chairman.

Senate Constitutional Amendment No. 10 ordered on file.

SENATE BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT,
INCLUDING DEFICIENCY BILLS—THIRD READING OF BILLS.

Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 347, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 347 passed by the following vote :

AYES—Senators Beard, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Seawell, Shine, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—27.

NOES—None.

Title read and approved.

Substitute for Senate Bill No. 91—An Act to pay the claim of J. E. Atkinson against the State of California, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Substitute for Senate Bill No. 91, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee express no opinion as to the constitutionality of this bill.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 91 refused passage by the following vote:

AYES—Senator Seawell—1.

NOES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Feeney, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Pedlar, Shine, Simpson, Stratton, Trout, and Voorheis—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 91 was this day refused passage.

MOTION.

Senator Voorheis moved that all Senate bills identical with bills passed by the Assembly, and now on the Senate special file of Assembly bills, be withdrawn and ordered stricken from the file.

So ordered.

Senate Bill No. 488—An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on the special file of Assembly bills.

Senate Bill No. 316—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on the special file of Assembly bills.

Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 315, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee express no opinion as to the constitutionality of this bill.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 315 passed by the following vote:

AYES—Senators Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Linder, Shine, Simpson, Stratton, Trout, and Voorheis—22.

NOES—Senators Beard, Bulla, Pedlar, Seawell, and Withington—5.

Title read and approved.

At ten o'clock and twenty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 212—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on special file of Assembly bills.

Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Passed on file.

Senate Bill No. 210—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on special file of Assembly bills.

Senate Bill No. 247—An Act for the relief of John Mullan, and to appropriate money therefor.

Passed on file.

Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 642, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee express no opinion as to the constitutionality of this bill.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 642 passed by the following vote:

AYES—Senators Beard, Braunhart, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Shine, Simpson, Stratton, Toner, Trout, and Voorheis—22.

NOES—Senator Bulla—1.

Title read and approved.

Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 643, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee expresses no opinion as to the constitutionality of this bill.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 643 passed by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Seawell, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Wolfe—21.

NOES—Senator Bulla—1.

Title read and approved.

Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 644, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee express no opinion as to the constitutionality of this bill.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 644 passed by the following vote:

AYES—Senators Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—26.

NOES—Senator Bulla—1.

Title read and approved.

Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 645, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 645 passed by the following vote:

AYES—Senators Beard, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Toner, Trout, Voorheis, and Wolfe—27.

NOES—Senator Bulla—1.

Title read and approved.

Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 697, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 697 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Senate Bill No. 430—An Act for the relief of W. C. Guirey.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 430, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 430 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Luchsinger, Morehouse, Pedlar, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—28.

NOES—Senator La Rue—1.

Title read and approved.

Senate Bill No. 394—An Act to provide for the payment of the claim of D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 394, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 394 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Stratton, and Trout—29.

NOES—None.

Title read and approved.

Senate Bill No. 423—An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Senate Bill No. 423, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Morehouse, Seawell, Simpson, Smith, Stratton, Trout, and Withington—25.

NOES—None.

Title read and approved.

Senate Bill No. 209—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on special file of Assembly bills.

Senate Bill No. 401—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on special file of Assembly bills.

SECOND READING OF BILLS.

Senate Bill No. 575—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums, paid in the construction and erection of the Whittier State School.

Senator Androus asked unanimous consent to withdraw Senate Bill No. 575.

Consent granted.

Senate Bill No. 575 withdrawn, and ordered stricken from the file.

Senate Bill No. 52—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor. Senator Gillette moved that Senate Bill No. 52 be denied a second reading.

Motion lost.

Senate Bill No. 52 passed on file, but to retain its place.

Senate Bill No. 49—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 439—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 170—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on special file of Assembly bills.

Senate Bill No. 287—An Act for the relief of Charles F. Wells, and to appropriate money therefor.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on special file of Assembly bills.

Senate Bill No. 434—An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor.

Bill withdrawn and ordered stricken from the file, it being identical with a bill on special file of Assembly bills.

Senate Bill No. 602—An Act for the payment of the claim of Julius Herzog, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 487—An Act for the relief of J. W. Newbert, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION.

Senator Bulla moved that the motion by Senator Braunhart to reconsider the vote whereby Assembly Bill No. 902 was on a previous day finally passed, be taken up.

So ordered.

MOTION TO RECONSIDER.

Senator Bulla moved a reconsideration of the vote whereby Assembly Bill No. 902 was finally passed.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 902 finally passed on a previous day was lost by the following vote:

AYES—Senators Bert, Braunhart, Feeney, Franck, Gillette, Hall, Henderson, Holloway, Langford, Mahoney, Seawell, Shine, Shippee, Smith, Toner, and Wolfe—16.

NOES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Gleaves, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Frisk, Simpson, Stratton, Trout, and Withington—21.

COMMUNICATION—(OUT OF ORDER).

Senator Mahoney presented a letter from the Mayor of San Francisco (which was read by the Secretary), and asked that it be printed in the Journal.

Senator Boyce moved that the letter from the Mayor of San Francisco be not printed in the Journal.

So ordered.

At eleven o'clock and fifty minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 942—An Act to provide for the auditing and examination of the claims against the State of soldiers who served in the Indian wars in California, during the years from 1847 to 1857, to authorize the Adjutant-General to appoint a clerk for that purpose, and making an appropriation for his salary—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance, as this committee believes it is not properly before it.

BULLA, Chairman.

Assembly Bill No. 942 re-referred to the Committee on Finance.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, March 12, 1897.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Assembly Bill No. 943—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SHINE, Chairman.

Assembly Bill No. 943 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 312—An Act for the relief of Charles F. Wells and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

VOORHEIS, Chairman.

Assembly Bill No. 312 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 12th day of March, adopted Assembly Concurrent Resolution No. 13—Relative to consent of the Legislature to the absence of the Governor of the State, James H. Budd, from the State for a period not to exceed six months.

Also: On March 13th, amended, and passed as amended, Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Also: Passed Assembly Bill No. 376—An Act to appropriate money for the erection of additional buildings at the Preston School of Industry, at Jone, and for furnishing and equipping the same.

Also: Assembly Bill No. 586—An Act to amend Section 574 of the Civil Code, relating to the ownership and disposition of property of savings and loan corporations.

Also: Assembly Bill No. 824—An Act to empower the Common Council, Board of Trustees, Board of Supervisors, or other legislative or other governing body of cities, or cities and counties, having a population of over one hundred thousand, to pension the widows of firemen.

Also: Assembly Bill No. 384—An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration," approved April 1, 1876.

Also: Assembly Bill No. 631—An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessors.

Also: Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Also: Assembly Bill No. 932—An Act making an appropriation to pay the claim of Charles W. Metcalf against the State of California.

Also: Assembly Bill No. 964—An Act to amend Section 3930 of the Political Code, relating to permanent boundary line between the counties of Amador and El Dorado.

Also: Senate Bill No. 38—An Act appropriating the sum of five thousand dollars for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Also: Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senator Bert moved the adoption of Assembly Concurrent Resolution No. 13.

Assembly Concurrent Resolution No. 13 read, as follows:

ASSEMBLY CONCURRENT RESOLUTION No. 13.

Relative to consent of the Legislature to the absence of the Governor of the State, James H. Budd, from the State for a period not to exceed six months.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California has consented, and does hereby consent, that the Governor of the State of California, the Hon. James H. Budd, may depart from the State of California at any time during the remainder of his official term, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

The roll was called, and Assembly Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Trout, Withington, and Wolfe—28.

NOES—None.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 288.

ASSEMBLY AMENDMENTS.

Amend by striking out of Section 1, lines 8 and 9, the words "the sum of seventeen thousand and five hundred dollars."

Also: Amend by striking out of Section 1, lines 10 and 11, the words "the sum of twenty-five hundred dollars."

Also: Amend by striking out of Section 1, line 13, the words "the sum of twenty-five hundred dollars."

Also: Amend by striking out of Section 1, line 14, the words "the sum of one thousand dollars."

Also: Amend by striking out of Section 1, line 16, the words "the sum of four thousand dollars."

Also: Amend by striking out of Section 1, line 18, the words "the sum of fifteen hundred dollars."

Also: Amend by striking out of Section 1, lines 20 and 21, the words "the sum of one thousand dollars."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 288?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Smith, Stratton, Toner, Trout, and Withington—25.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 288 ordered to enrollment.

Assembly Bill No. 376 read first time, and referred to the Committee on Finance.

Assembly Bills Nos. 586 and 384 read first time, and referred to the Committee on Corporations.

Assembly Bill No. 824 read first time, and referred to the Committee on City, City and County, and Town Governments.

Assembly Bill No. 631 read first time, and referred to the Committee on Judiciary.

Assembly Bill No. 932 read first time, and referred to the Committee on Claims, Retrenchment, and Public Expenditures.

Assembly Bill No. 964 read first time, and referred to the Committee on Counties and County Boundaries.

Senate Bills Nos. 422, 38, and 684 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 418—An Act to appropriate money for the support of aged persons in indigent circumstances—be and the same is hereby referred to the Committee on Judiciary, to pass upon and determine the question of its constitutionality, and to report the same back at the earliest practicable moment.

Resolution adopted, and Senate Bill No. 418 re-referred to the Committee on Judiciary.

SENATE CONSTITUTIONAL AMENDMENTS.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XI of the Constitution, by adding thereto a new section, to be known as Section 20, in relation to tax levies by counties and cities and counties.

During the reading of Senate Constitutional Amendment No. 2, the following amendment was submitted by the committee:

Amend by striking out of Section 20, line 15, the words "three fourths," and inserting in lieu thereof the following: "two thirds."

Amendment adopted.

Senate Constitutional Amendment No. 2 ordered to print.

Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 9 of Article XIII thereof, relative to the Board of Equalization, providing that said board shall consist of four members, to be elected at large by the electors of the State.

Senate Constitutional Amendment No. 4 passed on file, but to retain its place.

Senate Constitutional Amendment No. 5—An amendment to propose to the people of the State of California, repealing Section 12 of Article XIII of the Constitution of the State of California, relative to revenue and taxation.

Senate Constitutional Amendment No. 5 passed on file, but to retain its place.

Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, relating to revenue and taxation.

Senate Constitutional Amendment No. 6 passed on file, but to retain its place.

MOTION.

Senator Bulla moved that, as Senators Seawell, Dickinson, and Aram have been engaged on Examiner investigation committee work for the past week, each be allowed to designate one bill as special order for this afternoon at three o'clock and thirty minutes.

So ordered.

SENATE CONSTITUTIONAL AMENDMENTS—(RESUMED).

Senate Constitutional Amendment No. 13—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

Senate Constitutional Amendment No. 13 read, and passed on file, but to retain its place.

RECESS.

The hour of twelve o'clock and thirty minutes p. m. having arrived, the President declared the Senate at recess until two o'clock p. m.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 102—An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality.

Also: Senate Bill No. 114—An Act to amend Section 1127 of the Penal Code, relating to charging the jury.

Also: Senate Bill No. 116—An Act to amend Section 398 of the Code of Civil Procedure, relating to a change of place of trial.

Also: Senate Bill No. 137—An Act to amend the Political Code of California, by adding a new section, to be known as Section 2644, relating to road commissioners.

Also: Senate Bill No. 463—An Act to amend Section 1114 of the Political Code of the State of California, relating to registration.

Also: Senate Bill No. 620—An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley.

And presented the same to the Governor on this day, at twelve o'clock and five minutes p. m.

JONES, Chairman.

SPECIAL ORDER.

Assembly Bill No. 977—An Act to amend Section 170 of the Code of Civil Procedure.

The vote whereby Assembly Bill No. 977 was on a previous day refused final passage having been reconsidered, and set as a special order for this hour, it was taken up for consideration, and, on motion of Senator Seawell, Senator Withington was appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 1, line 14, page 1, the words "the justice or," and inserting in lieu thereof the word "any."

Also: Amend by inserting on same page, line, and section, after the word "judge," the words "of a court of record."

Also: Amend by striking out of line 15, same page and section, the words "justice or" after the word "such," and also the words "justice or" after the word "said."

Also: Amend by striking out of line 16, Section 1, page 2, the words "justice or," also, amend by striking out of line 23, after the word "a," the words "justice or," and by inserting after the word "filed," on line 24, the words "and served upon the adverse party, or the attorney for such party."

Also: Amend by striking out of line 24, page 2, Section 1, after the word "least," the word "ten," and inserting in lieu thereof the word "one."

Also: Amend by striking out of the same line, section, and page, the word "days" preceding the words "before the day," and inserting in lieu thereof the word "day."

Also: Amend by striking out of line 26, page 2, Section 1, after the word "least," the word "five," and inserting in lieu thereof the word "one."

Also: Amend by striking out of the same line, page and section, the word "days," and inserting in lieu thereof the words "day thereafter."

Also: Amend by striking out of lines 26 and 27, in the same section and page, the following: "before the day set for trial of such action or proceeding," and insert in lieu thereof the following words: "or such further time as the court may extend the time for filing such counter affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one such change of judges be had."

Also: By inserting after the word "affidavits," on line 31, same page and section, the words "and counter affidavits."

Also: Strike out all of Section 2, including the number thereof.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred amended Assembly Bill No. 977, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

SPECIAL ORDER.

On motion of Senator Seawell, the further consideration of Assembly Bill No. 977 was made a special order for Tuesday, March 16th, at two o'clock P. M.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature, at its thirty-third session, the result of such investigation, and making an appropriation for the expenses of such commission.

Bill passed on file temporarily, but to retain its place.

Assembly Bill No. 903 (Substitute for Assembly Bill No. 650)—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

On motion of Senator Braunhart, Senator Shippee was appointed a special committee of one to amend bill as follows:

Amend Section 6, page 3, by striking out in lines 13 and 14 the words "not situated within the limits of an incorporated town, city, or city and county."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 903, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHIPPEE, Committee.

Report of special committee of one and amendment refused adoption by the following vote:

AYES—Senators Braunhart, Feeney, Hall, Henderson, Langford, Luchsinger, Mahoney, Shippee, Toner, and Wolfe—10.

NOES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Gleaves, Jones, Linder, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—21.

The question recurring on the final passage of the bill.

The roll was called, and Assembly Bill No. 903 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Gillette, Gleaves, Jones, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—24.

NOES—Senators Brauhart, Feeney, Hall, Henderson, Langford, Morehouse, Shippee, and Wolfe—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Mahoney gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 903 was this day finally passed.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 904—An Act to provide for the classification of the roads in the State of California.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 904 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Gillette, Gleaves, Jones, Linder, Luchsinger, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—23.

NOES—Senators Brauhart, Feeney, Franck, Hall, Henderson, Langford, Mahoney, Morehouse, and Shippee—9.

Title read and approved.

Assembly Bill No. 905 (Substitute for Assembly Bill No. 672)—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 905, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions. The report of your committee is based upon the report of the Judiciary Committee.

WITHINGTON, for the Committee.

On motion of Senator Mahoney, Senator Smith was appointed a special committee of one to amend bill as follows:

Amend Section 1, line 7, after the word "property," by inserting the following: "*provided*, that all the property within municipalities of the first class shall be exempt from this tax."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 905, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendment refused adoption.

The roll was called, and Assembly Bill No. 905 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Flint, Gillette, Gleaves, Jones, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—25.

NOES—Senators Braunhart, Feeney, Franck, Hall, Henderson, Morehouse, and Wolfe—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Mahoney gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 905 was this day finally passed.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature, at its thirty-third session, the result of such investigation, and making an appropriation for the expenses of such commission.

The bill having been passed on file temporarily, it was taken up for consideration.

During the second reading of the bill, the following amendments were submitted:

By Senator Morehouse:

Amend the title by inserting after the word "investigating," in line 2 of said bill, the following: "determining and adopting."

Amendment lost.

By Senator Smith:

Amend by striking out of Section 4, lines 5, 6, and 7, the words "their opinion upon each machine tested; its applicability to our present elective system, and its possible defects."

Amendment lost.

By Senator Withington:

Amend by striking out of Section 5, lines 5 and 6, and the words "all claims against this," in line 4 of said section.

Amendment adopted.

Also: Amend by striking out of Section 5, line 1, the words "one thousand," and inserting in lieu thereof the following: "five hundred."

Amendment adopted.

Also: Amend by striking out Section 3, and renumber Sections 4, 5, and 6.

Amendment adopted.

Also: Amend by striking out of Section 2, lines 1 to 5, and the word "elected," in line 6, and inserting in lieu thereof the following:
Sec. 2. The State Board of Examiners shall receive no salary as such commissioners.

Amendment adopted.

By Senator Morehouse:

Amend by inserting in Section 4, line 2, after the word "to," the words "the chairman of the Board of Supervisors of the different counties, and cities and counties, within this State, and to."

Amendment adopted.

Also: Amend by striking out of Section 1, all of said section after the word "of," in line 6, and inserting in lieu thereof the following: "the State Board of Examiners."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

LEAVE OF ABSENCE.

Senator Dwyer was granted a leave of absence for the day, as requested by Senator Toner.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Enrollment, who reported Senate Bill No. 494 as correctly enrolled on March 12th, beg leave to report that said bill, as reported on that day, was not such Senate bill, nor was the same correctly enrolled; but that said bill, correctly enrolled, being Senate Bill No. 494—An Act to amend Sections 354, 1489, 1491, 1492, 1495, 1497, 1501, 1503, and 1505, and to repeal Sections 1504 and 1506 of the Political Code, relating to State normal schools—was presented to the Governor on the 13th day of March, at nine o'clock and twenty minutes P. M.

JONES, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 937—An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

On motion of Senator Voorheis, Assembly Bill No. 937 was ordered at head of Senate file.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Bulla offered the following resolution, and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 12.

WHEREAS, On the 12th day of March, at three o'clock and fifty-five minutes p. m., a certain document purporting to be Senate Bill No. 494 was delivered to the Governor as correctly enrolled; and

WHEREAS, Errors occurred in said purported Senate Bill No. 494; and

WHEREAS, A correctly enrolled bill has since been delivered to the Governor; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the Governor be requested to return to the Enrolling Clerk of the Senate said purported bill.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Brauhart, Bulla, Chapman, Denison, Doty, Franck, Graves, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—25.

NOES—None.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 361—An Act entitled an Act to amend the Political Code by adding a new section, requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

The bill having been read third time on a previous day, the question was on its final passage.

On motion of Senator Luchsinger, Senator Gillette was appointed a special committee of one to amend bill as follows:

Amend by inserting after the word "mark," line 17, the words "or any patent apparatus or appliance."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 361, with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Gillette, Senator Seawell was appointed a special committee of one to amend as follows:

Amend by inserting in line 3, after the figure 3, "Sec. 3247," and make title read "An Act to add a new section to the Political Code, to be known as Section 3247¹2."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 361, with instructions to amend, respectfully reports the same back, amended as per instructions.

SEAWELL, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, March 15, 1897. }

To the honorable Senate of the State of California:

I hereby nominate P. J. Harney, of San Francisco, member of the Board of State Harbor Commissioners of San Francisco, vice Dan T. Cole, term expired, and request your consent to his appointment.

Also: I hereby nominate Rudolph Herold, Jr., of San Francisco, member of the Board of State Harbor Commissioners of San Francisco, vice Forrest S. Chaulbourne, term expiring March 13, 1898, and request your consent to his appointment.

JAMES H. BUDD, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, March 15, 1897. }

To the honorable the Legislature of the State of California:

GENTLEMEN: On February 25th, by a vote of 29 to 1, Senate Bill No. 494 was passed by the Senate. On March 4th, upon its consideration by the Assembly, it was amended, and on March 8th, by a vote of 45 to 5 it passed that body as amended. On March 9th, by a vote of 39 to 0, the Senate refused to concur in the Assembly amendments, and on March 11th, by a vote of 47 to 7, the Assembly receded therefrom. The bill was returned from the House to the Senate and ordered to enrollment. On March 12th, what purported to be Senate Bill No. 494 was handed to the presiding officers and Chief Clerks of your two bodies as duly enrolled, and therefore was by them certified to me. The document certified to me, however, was not Senate Bill No. 494 as it passed, but contained provisions not contained in the true bill, and had it been approved as certified to me, the result would have been that the bill as passed would have been "killed."

This fact being brought to the attention of the proper officers, a second document purporting to be the said Senate bill was transmitted to this office, but not accepted, as it was found not to be the true bill, or the bill as passed. Later, Senate Bill No. 494 as it passed, was properly delivered to this office.

In view of these facts, and of certain communications which I transmit to you, I desire to recommend that your honorable bodies, under a suspension of the rules, pass a bill making it a felony, with the severest penalty, for any person to directly or indirectly write, telegraph, telephone, or in any manner approach one of the officials through whose hands a bill must pass, requesting that official to blockade that bill, or to use his

position to kill the same, or to take any part for or against any measure before the Legislature. The Legislature itself, which passes all bills, is the proper body to which appeals should be made, and if appeals are permitted to be made to the clerks of said bodies, or persons who may control or be employed in the printing of bills, that a bill be blockaded or killed by them, methods may be introduced unknown to the laws for the defeating of measures after their passage.

It is now a felony to alter a bill; it should be a felony for any clerk or employé of your honorable bodies to lobby for a bill, or for any person to suggest that they in any manner take part in legislative proceedings, other than in the proper discharge of their duties.

Had the bill in question been delivered later in the session, or the blunder remained undiscovered, even the signature of the Governor would not have made law of the measure which your honorable bodies so almost unanimously passed. The change of a word or a phrase in the printing of a bill may, under our Constitution, blockade and kill it.

On March 3d, Mr. Henry French, of San José, telegraphed to the State Printer as follows:

"SAN JOSÉ, CAL., March 3, 1897.

"A. J. JOHNSTON (*personal*), *State Printer, Sacramento*:

"Blockade Assembly Bill 688 and Senate Bill 494 until my letter reaches you.

"HENRY FRENCH."

On the same day he sent an identical telegram to Mr. Brandon, Chief Clerk of the Senate. Neither of these gentlemen, however, complied with his request or blockaded the bill. Thereafter Mr. Johnston, Superintendent of State Printing, received from Mr. French the following letter:

"SAN JOSÉ, CAL., March 5, 1897.

"A. J. JOHNSTON, *State Printer, Sacramento, Cal.*:

"MY DEAR SIR: I want to write you a line in strict confidence, and ask your assistance in killing Budd's pet bill before the Legislature, Assembly Bill 688 and Senate Bill 494. I am just in receipt of a letter from Varcoe, the Enrolling Clerk of the Assembly, who assures me I can count on your cheerful coöperation. You will probably remember me as one of the war horses that left my business and spent a week in Sacramento, at my own expense, in the last Legislature, to kill No. 526, and did not return home until the flowers withered from the funeral ceremonies.

"You will perceive that Assembly Bill No. 688 and Senate Bill No. 494 are identical and the hope is, if the one is killed, the other will go through.

"I know you have sufficient confidence in my integrity and loyalty to the taxpayers of this State, to know that if I were not thoroughly confident of their vicious nature that I would be engaged in securing their passage instead of their defeat. I know you are in a position to kill these bills, and I am backed by influential friends of yours in asking you to do so. and if you ever want anything from Santa Clara County, kindly communicate with

"Yours respectfully,

(Signed:) "HENRY FRENCH.

"See Frank Brandon—I think he will do anything he can confidentially."

Mr. Frank Brandon, Chief Clerk of the Senate, received from Mr. French the following letter:

"To FRANK BRANDON, *Chief Clerk of the Senate, State Capitol, Sacramento*:

"MY DEAR FRIEND: I want to write you in strict confidence and invoke your assistance in killing Assembly Bill No. 688 and Senate Bill No. 494. I have just discovered a rotten scheme that lies behind these bills, and I am thoroughly confident that S. T. Black and the three principals of the three normal schools are working in hand with the Governor's approval. The details I will give you in full the first time we meet. But I know you have sufficient confidence in my integrity to know that these bills, while innocent on the surface, are vicious legislation, and the highest and best interests of the State normal schools demand their extermination.

"Now, I don't expect you to jeopardize anything by making an open fight, but I know you are in a position to kill them, if you want to.

"Count on me as your sincere friend always.

"Very respectfully,

(Signed:) "HENRY FRENCH.

"Confer with State Printer Johnston—can't trust Black."

The letter to Mr. Johnston contained the language: "I know you are in a position to kill these bills," and "See Frank Brandon. I think he will do anything he can confidentially," and the letter to Mr. Brandon, the words "Now, I don't expect you to jeopardize anything by making an open fight, but I know you are in a position to kill them, if you want to," and the fact appears from his letter to Mr. Johnston that he was in correspondence on the same subject with Mr. John Varcoe, the Enrolling Clerk of the Assembly.

The State Printer was in no manner to blame for the changes in Bill No. 494 that would have "killed" it, nor was Mr. Brandon. The fact remains, however, that the bill

was twice so dealt with after it had properly passed, and that it contained matters therein inserted which would most effectually have killed it, had the error not been discovered.

The danger of the defeat of deserving measures during the closing days of the session would be so very easy by such methods, that every safeguard should be thrown around them. The heaviest penalties should be attached to any secret confidential request made of the officers handling them to interest themselves in any manner whatever in their defeat.

JAMES H. BUDD, Governor.

The messages from the Governor were referred to the Committee on Executive Communications and Nominations.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

On motion of Senator Withington, the time for the consideration of Assembly bills was extended twenty minutes.

Assembly Bill No. 623—An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringements of the rights of trademarks.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 623, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 623 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhnart, Bulla, Chapman, Denison, Doty, Feeney, Gillette, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Smith, Stratton, Toner, Withington, and Wolfe—23.

NOES—Senators Morehouse and Shine—2.

Title read and approved.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Aram asked unanimous consent to have taken up for consideration Assembly Bill No. 859.

Consent granted.

Assembly Bill No. 859—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Board of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 1, the words "said Act," and inserting the following in lieu thereof: An Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise

improving the same, and to authorize the Board of Supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," approved March 27, 1895.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 434—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

On motion of Senator Androus, Assembly Bill No. 434 was denied third reading.

Assembly Bill No. 66—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws.

On motion of Senator Gillette, Senator Bulla was appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, lines 4 and 5, the words "in their judgment there is sufficient reason therefor," and inserting in lieu thereof the following: "a petition is presented to them, signed by one half of the qualified electors of such city."

Also: Amend by inserting in Section 1, line 19, after the word "under," the words "in case such proposition shall fail to receive the vote of two thirds of such electors, then the proposition for the abandonment of such charter and reorganization under the general laws shall not be again submitted for two years."

Also: Amend by striking out of Section 1, line 12, the words "three fifths," and inserting in lieu thereof the following: "two thirds."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 66, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

Assembly Bill No. 694—An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations for the purpose of making, improving, and repairing roads.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 694, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 694 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Chapman, Denison, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—30.

NOES—Senators Braunhart and Bulla—2.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Seawell offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 839 and Senate Bill No. 694 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Feeney, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Toner, Trout, and Withington—32.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 839—An Act making an appropriation to pay the claim of Marion Pirkey, for moneys advanced to the National Guard of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 839 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Feeney, Flint, Henderson, Holloway, Jones, La Rue, Luchsinger, Prisk, Seawell, Shippee, Smith, Stratton, Trout, Withington, and Wolfe—23.

NOES—Senator Bulla—1.

Title read and approved.

At four o'clock p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 694—An Act to amend Section 1276 of the Code of Civil Procedure of the State of California.

Bill read second and third times.

The roll was called, and Senate Bill No. 694 passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Shippee, Simpson, Smith, Stratton, Trout, and Withington—27.

NOES—None.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Aram, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 15th day of March, passed Senate Bill No. 484—An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence.

Also: Senate Bill No. 574—An Act amending Section 534 of the Political Code, relating to Superintendent of State Printing.

Also: On the 15th day of March amended, and passed as amended, Senate Bill No. 696—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities.

Also: Senate Bill No. 351—An Act entitled an Act to amend Section 1196 of the Political Code, relating to elections.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 484 and 574 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 696.

ASSEMBLY AMENDMENTS.

Amend Section 1, line 17 of printed bill, by inserting after the word "water," the words "and electric or other lights."

Also : Amend Section 1, line 22 of printed bill, by inserting after the word "estimated," the word "total."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 696?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Prisk, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—28.

NOES—None.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 351.

AMENDMENT No. 1.

Amend by adding in Section 1, line 6, after the word "officers," "irrigation district and swamp land district."

AMENDMENT No. 2.

Amend printed Senate Bill No. 351 by striking out of title the words and figures "Section 1196," and inserting the following in place thereof: "Sections 1196 and 1197."

AMENDMENT No. 4.

Amend printed Senate Bill No. 351 by adding a new section, as follows:

Sec. 3. This Act shall take effect immediately.

AMENDMENT No. 5.

Amend printed Senate Bill No. 351 by striking out of Section 2 the words "This Act shall take effect immediately," and inserting the following: Section eleven hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:

Section 1197. All ballots printed by County Clerks, other than the separate ballots containing the names of candidates for city and county offices, printed by the County Clerks of consolidated cities and counties, shall be headed "Municipal Ticket"; and all ballots printed by County Clerks of consolidated cities and counties containing the names of candidates for city and county offices, and also all tickets printed by the clerk or secretary of a legislative body of any incorporated city or town, shall be headed "Municipal Ticket." Under the heading of all general tickets the respective number of the congressional, senatorial, and assembly districts in which each ticket is to be voted shall be printed. The names of all the candidates of each political party shall be printed in a separate column or columns, at the head of which shall be printed the name of the party in large type, as "Republican Nominees," or like designation of other parties. In case two or more parties nominate the same candidate or candidates for any or all offices to be voted for, they shall each be equally entitled to have their nominations printed in full in a separate column or columns. The party which first files its nominations with the Secretary of State shall have the column or columns on the extreme left of the ballot, the party which files its nominations next in order of time shall be next, and so on until the political parties have all been placed, when a column or columns shall be assigned upon their right for the names of persons who have been nominated by petition. Upon the extreme right of the ballot, in a column or columns, shall be printed proposed constitutional amendments, or other questions to be voted upon. At the head of the columns in which the groups of candidates for Presidential Electors of the different parties are printed shall be printed the following direction to voters: "To vote for Electors, mark a cross in the square at the right of the party name." Immediately following this shall be printed the title of their office, and a direction to mark once, as, "Electors of President and Vice-President—mark once." At the end of the group of Presidential Electors, and of the blank spaces following them, shall be printed the following direction to voters: "To vote for a person, stamp cross (X) in a square at right of name of political party or designation following his name." If the names of candidates of that party extend over to the next column, this direction shall be repeated at the head of such column. Each name or group of names of candidates of any party for any one office, except Presidential Electors, provision for which has hereinbefore been made, shall be immediately preceded by the title of the office, at the extreme left of the column, followed on the extreme right of the column by a direction to the voter specifying the number of persons to be voted for for that office, thus: "Governor—vote for one."

Where proposed amendments to the Constitution or other questions are to be voted upon, the statement and description thereof shall be printed upon the ballot in manner and form as provided for in Section 1054 of this Code, opposite which shall be printed the words "Yes" and "No," on separate lines. Such proposed amendments or other question to be voted upon shall be placed in the column at the extreme right of the ticket, and at the head of this column shall be printed the following directions to voters: "To vote on the following questions stamp a cross (X) in the square at the right of 'Yes' or 'No' in each case." All municipal tickets containing the names of candidates for ward or district offices, in addition to such direction to voters shall have the number of the ward or district in which such ticket is to be voted printed thereon. All municipal tickets shall be printed upon paper of a different tint from that of the general ticket. On each ballot a perforated line shall extend from top to bottom, one half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing, except the number of the ballot, which shall be upon the back of such strip, in such position that it shall appear upon the outside when such ballot is folded. The number of each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots shall be eighteen inches in length, and each column shall be four and one half inches in width, and there shall be as many columns as are necessary under the provisions of this section. The columns shall be separated by heavy ruled lines, and on all ballots the names of candidates shall each be separated by a rule extending to the extreme right of the column, and each group of names of candidates for any office shall be separated, by a heavy ruled line extending to the extreme right of the column, from the names of the candidates for the next and succeeding office printed upon the ticket.

All ballots shall be printed in plain roman type, and shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this Code, and no other name; and there shall be added to all the names of candidates for each office, where such officer is to be elected from a section or district comprising more than one county, the name of the county from which he was nominated, followed by their party or political designation or designations, so far to the right of the column as possible, leaving room for the square or space hereinafter provided for, as

W. M. CUTTER, of Yuba.....Independent. Silver. Republican.

The name or names of the candidates of any party shall be arranged under the designation of the office in the column of the party to which they belong. In the case of Electors of President and Vice-President they shall be arranged in a group as presented by the party or petition nominating them, and placed at the head of the column where they respectively belong; and there shall be printed at the head of each group of Electors so nominated, the names of the candidates of the party they represent for President and Vice-President, followed by the political principle or party represented by said Electors, after which, on the extreme right of the column, shall be a space or square, in one of which the voter must stamp a cross (X), signifying his intention to vote for the group of Electors immediately following, as

MCKINLEY AND HOBART Republican.

in great primer title type, or the like: *provided*, that if an elector desires to vote for a less number of persons for Electors of President and Vice-President than are named in each group, or for the full number of Electors in any other arrangement or order than they are printed upon the ticket, or should he desire to vote for Electors whose names are not upon the ballot, he may do so by writing their names in the blank spaces hereinafter provided for at the end of the list of candidates for Electors of President and Vice-President. Such Electors can be so voted for by writing their names in such spaces, without stamping or other evidence of assent. There shall be left at the end of the list of candidates for each office as many blank spaces as there are persons to be elected to each office, in which the person may insert the name of any person not printed upon the ballot for whom he desires to vote as candidate for such office; and the names and blank spaces on the whole ticket shall be consecutively numbered, the figures being placed on the left-hand side of such names and blank spaces. There shall be a margin on the right hand of the names of all candidates except Presidential Electors, provision for which is hereinbefore made, at least one half inch wide, along the left-hand edge of which margin a line shall be drawn, forming squares, so that the voter may clearly indicate, in the way to be hereinafter pointed out, the candidate or candidates for whom he wishes to cast his ballot.

SEC. 3. This Act shall take effect immediately.

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 351?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Mahoney, Morehouse, Prisk, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—28.

NOES—None.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 351.

AMENDMENT No. 3.

Amend printed Senate Bill No. 351 by striking out of Section 1, line 1, the words "section eleven hundred and ninety-six," and inserting the following in place thereof: "sections eleven hundred and ninety-six and eleven hundred and ninety-seven."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 351?"

Senator Morehouse moved that the Senate do not concur in Assembly Amendment No. 3.

The roll was called, and the motion carried by the following vote:

AYES—Senators Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Hall, Jones, Linder, Morehouse, Shine, Shippee, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—23.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: I am directed to request your honorable body to return to the Assembly, immediately, Senate Bill No. 574—An Act amending Section 534 of the Political Code, relating to Superintendent of State Printing.

Also: I am directed to inform your honorable body that the Assembly, on the 15th day of March, passed Assembly Bill No. 178—An Act to amend Sections 1204 and 1230 of the Political Code of the State of California, relating to precinct registration and challenging of voters.

Also: Assembly Bill No. 979—An Act to appropriate money for the payment of interest on the sum of \$79,750, being part of the endowment fund of the University of California, heretofore withheld and used for other State purposes, until the State elects to pay said principal sum of \$79,750.

Also: Assembly Bill No. 485 (Substitute for Assembly Bill No. 429)—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, in relation to the public pound, and the appointment of a Poundmaster and Deputy Poundmasters therefor.

Also: Assembly Bill No. 729—An Act to amend Section 3571 of the Political Code, relating to the repayment of purchase price of land sold which is not the property of the State, and providing for a certificate of restitution to issue when the certificate of purchase to such land has been annulled for non-payment of interest.

Also: Amended, and passed as amended, Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bill No. 574 ordered returned to the Assembly, as requested.

Assembly Bills Nos. 178, 979, 485, and 729 read first time, and ordered on file without reference to committee.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 370.

ASSEMBLY AMENDMENTS.

Amend by inserting, in Section 3495, line 5, after the words "ninety-four," the word "situated."

Also: Amend by striking out of Section 3495, line 17, the last word in the line, and inserting the following: "or."

Also: Amend by striking out of Section 3495, line 17, the word "or," and inserting the following: "and."

Also: Amend Section 1 by striking out, in line 24 of printed bill, after the words "to be," the words "entered, exceeds six hundred and forty acres," and insert the following: "purchased, exceeds three hundred and twenty acres, but if the land is not suitable for cultivation, the affidavit must further state that the applicant has not entered any portion of such lands, which, together with that now sought to be entered, exceeds six hundred and forty acres."

Also: Amend Section 1, in line 26 of printed bill, after the word "any," by inserting the word "one."

Also: Amend Section 1 by striking out in line 17 of printed bill, after the words "the use," the word "and," and inserting the word "or."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 370?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Pedlar, Prisk, Seawell, Shine, Smith, Stratton, Trout, Withington, and Wolfe—28.

NOES—None.

Senate Bill No. 370 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the message from Governor James H. Budd, nominating George T. Bohan, of San Francisco, Pilot Commissioner for the ports of San Francisco, Mare Island, and Benicia, vice John Hackett, holding at the pleasure of the Governor, have had the same under consideration, and respectfully report the same back, and recommend that the Senate do advise and consent to said nomination.

WOLFE, Chairman.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Stratton, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Frank Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

WITHDRAWAL OF BILLS.

Senator Gleaves asked unanimous consent to withdraw Senate Bill No. 723—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of

said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Also: Senate Bill No. 724—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Also: Senate Bill No. 725—An Act to provide for the classification of the roads in the State of California.

Also: Senate Bill No. 726—An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor.

Consent granted.

Senate Bills Nos. 723, 724, 725, and 726 withdrawn, and ordered stricken from the file.

COMMUNICATION—(OUT OF ORDER).

The following order of the Supreme Court, in relation to the petition of A. M. Lawrence and L. L. Levings for a writ of habeas corpus, was received, read, and ordered printed in the Journal:

To the honorable the Senate of the State of California, and to the honorable the Attorney-General of the State of California:

You are hereby respectfully given notice, that on Saturday, the 13th day of March, 1897, the Supreme Court of the State of California, sitting in bank, made the following order:

"By the Court: Let the writ issue as prayed, returnable before the court in bank, at the City and County of San Francisco, on Tuesday, the 16th day of March, 1897, at ten o'clock A. M. of said day; that, pending the hearing of said writ, petitioners be admitted to bail in the sum of one thousand dollars, to be approved by a Superior Judge of the County of Sacramento; and that notice of this application be given to the Attorney-General, immediately, and also to the Senate of this State.

"March 13, 1897.

"McFARLAND, Acting Chief Justice."

The writ referred to in the foregoing order of the Supreme Court is a writ of habeas corpus issued upon the petition of Andrew M. Lawrence and L. L. Levings, imprisoned under a resolution of commitment of the Senate of the State of California for contempt.

Dated March 13, 1897.

Very respectfully,

GEORGE A. KNIGHT,
GARRETT W. McENERNY,
ANDREW J. CLUNIE,
Attorneys for Lawrence and Levings.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 320—An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff and the Board of Railroad Commissioners is defendant.

Bill read third time.

The roll was called, and Assembly Bill No. 320 refused final passage by the following vote:

AYES—Senators Beard, Boyce, Brauhart, Bulla, Doty, Gillette, Holloway, La Rue, Prisk, Seawell, Smith, and Stratton—12.

NOES—Senators Andrews, Aram, Bert, Denison, Dickinson, Feeney, Flint, Franck, Gleaves, Henderson, Jones, Linder, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Simpson, Trout, Voorheis, Withington, and Wolfe—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 320 was this day refused final passage.

RESOLUTION—(OUT OF ORRER).

Senator Withington offered the following resolution, and moved its adoption:

Resolved, That Senate Bills Nos. 468, 31, 712, 510, 263, 718, 732, 418, and 581 and Assembly Bills Nos. 691, 240, 15, 121, 521, 229, 529, 796, 62, 246, 410, 943, 876, 247, 327, 842, 860, and 212 present cases of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunbart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—32.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 943 (Committee Substitute for Assembly Bill No. 719)—An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out Section 4, and inserting in lieu thereof the following: "Sec. 4. *Provided*, that nothing herein contained shall affect any application now on file in the office of the Surveyor-General of this State to purchase lands herein mentioned."

Amendment lost.

Also: Amend printed bill by adding a new section, numbered Section 5, to read as follows:

SEC. 5. This Act shall take effect from and after its passage.

Amendment lost.

Bill read second and third times.

The roll was called, and Assembly Bill No. 943 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 367—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Bill read second and third times.

On motion of Senator Pedlar, Senator Withington was appointed a special committee of one to amend bill as follows:

Amend by striking out all of lines 1 and 2, printed bill, and insert in lieu thereof: "A new section is hereby added to the Political Code, to be numbered Section 3249, and to read as follows." At beginning of line 3 insert "Section 3249."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 367, with instructions to amend, respectfully reports the same back, amended as per instructions.

WITHINGTON, Committee.

Report of special committee of one and amendments adopted.

On motion of Senator Luchsinger, Senator Gillette was appointed a special committee of one to amend bill as follows:

Amend by inserting in Section 1, line 5, after the word "State," the words "and who sell exclusively to the trade."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 367, with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint and reëngrossment.

COMMUNICATION—(OUT OF ORDER).

The following telegram was received, read, and ordered printed in the Journal:

SAN FRANCISCO, CAL., March 15, 1897.

Hon. W. T. JETER, Lieutenant-Governor, Sacramento, Cal.:

The Board of Supervisors of the City and County of San Francisco, at a meeting held this day, passed unanimously the following resolution, to which your attention is respectfully called, with the request that you cause the same to be read to the respective bodies over which you preside, to wit:

WHEREAS, Assembly Bills Nos. 902, 903, 904, and 905, creating a State Department of Highways, provides for a State tax, about one third of which is paid by the City and County of San Francisco, and at the same time expressly excludes the City and County of San Francisco from the benefits of the Act; and

WHEREAS, The streets and roads of this city and county will and do require all the money which can be reasonably raised by taxation; therefore, be it

Resolved, That the San Francisco Delegation in the Legislature be requested to oppose the adoption of these bills, unless the City and County of San Francisco receive direct benefits proportionate to the amount of her contribution to the fund.

JOHN A. RUSSELL, Clerk.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 309—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street law of this State.

Bill read third time.

The roll was called, and Senate Bill No. 309 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Chapman, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Prisk, Shippee, Smith, Stratton, Toner, Trout, and Voorheis—23.

NOES—None.

Title read and approved.

Senate Bill No. 531—An Act to amend Section 3472 of the Political Code of the State of California, relating to the formation of swamp land or reclamation districts.

Bill read second and third times.

The roll was called, and Senate Bill No. 531 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Shippee, Simpson, Smith, Stratton, Trout, and Withington—27.

NOES—None.

Title read and approved.

Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code; all of said sections relating to public lands, and revenue and taxation.

The bill having been read second and third times on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 330 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Chapman, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Bill No. 730—An Act to authorize the Board of Railroad Commissioners to reduce the fare on street railways in cities, cities and counties, and towns, and authorizing such board to require the issuance of commutation tickets for transportation on such street railways, and to fix the rates therefor.

Bill passed on file, but to retain its place.

Senate Bill No. 471—An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend the bill by substituting the following therefor:

SENATE SUBSTITUTE FOR SENATE BILL No. 471.

An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen hundred and seventy of the Political Code is hereby amended so as to read as follows:

Section 1770. First. Each County Board of Education shall meet annually in the month of June. Special meetings may be called by the Superintendent whenever in his

judgment the exigencies of the schools may require them to be held. Upon the request of any three members, in writing, the Superintendent shall call a special meeting. Notice of all annual meetings shall be given by the secretary at least ten days prior to the time of meeting. No business shall be transacted at a special meeting, except as provided in subdivision second of this section, other than such as may be specified in the call of the secretary.

Second—At the annual meeting only, the board may examine applicants for certificates to teach in the public schools. Certificates upon credentials may be granted, and unexpired certificates may be renewed at any meeting of the board.

Third—The Board of Supervisors shall allow to each member of the County Board of Education a compensation of five dollars per day for his services, and the same rate of mileage as is allowed to the members of the Board of Supervisors of the county. The secretary shall be allowed the sum of five dollars per day for the actual time that the board may be in session; said compensation of the members of the board and of the Superintendent shall be payable out of the same fund and in the same manner as the salary of the Superintendent of Schools is paid.

Fourth—All expenses for printing required by the County Board of Education, and all incidental expenses incurred for stationery or other purposes in the performance of their duties, shall be audited and paid as other claims against the general fund of the county are paid.

Sec. 2. Section seventeen hundred and seventy-one of the Political Code is hereby amended so as to read as follows:

Section 1771. County Boards of Education have power:

First—To adopt rules and regulations, not inconsistent with the laws of this State, for their own government.

Second—To prescribe and enforce rules for the examination of teachers.

Third—To examine applicants for teachers' certificates, and grant certificates as follows:

1. High school certificates, valid for six years, authorizing the holders thereof to teach in any high school, grammar school, or primary school in the county, except the kindergarten department of primary schools.

2. Elementary school certificates, valid for six years, authorizing the holders thereof to teach in any grammar school or primary school in the county, except the kindergarten department of primary schools.

3. Kindergarten primary school certificates, valid for six years, authorizing the holders thereof to teach in the kindergarten department of any primary school in the county.

4. Also, on examination or satisfactory credentials, to grant special certificates, valid for six years, which shall entitle the holder to teach such special branches as may be required by City or County Boards of Education; but no special high school certificate shall be granted to teach any of the subjects hereinafter named as requisite for a full high school certificate.

Fourth—To prescribe and enforce the use of a uniform series of text-books, and a course of study in the public schools, and to adopt a list of books and apparatus for district school libraries.

Fifth—To revoke or suspend, for immoral or unprofessional conduct, or evident unfitness for teaching, the certificates granted by them.

Sixth—To keep a record of their proceedings.

Seventh—To issue diplomas of graduation from any of the public schools of the county, except in incorporated cities having Boards of Education, which diplomas shall be designed by the Superintendent of Public Instruction and distributed as other blanks from his office.

Eighth—To adopt and use, in authentication of their acts, an official seal; and to have such printing done as may be necessary in the discharge of their duties.

Ninth—All examination papers for teachers' certificates shall be kept on file in the office of the Superintendent of Schools for at least one year. The papers of any applicant shall be open, during the year, to the inspection of the applicant, or his authorized agent.

Sec. 3. Section seventeen hundred and seventy-two of the Political Code is hereby amended so as to read as follows:

Section 1772. Except as provided in section seventeen hundred and seventy-five, certificates shall be granted only to those persons who have passed a satisfactory examination as hereinafter provided.

(1) The high school certificate shall be granted only to those persons who shall have passed a satisfactory examination in the subjects required for the elementary school certificate (or who hold the elementary school certificate, or who hold the necessary credentials upon which an elementary school certificate may be granted), and in English, general history, civics, history of education, as well as in all of the subjects in one of the following groups:

Group (a): Higher algebra, solid geometry, trigonometry, and physics.

Group (b): Physics, chemistry, biology or botany (at the option of the applicant), and geology or astronomy (at the option of the applicant).

Group (c): Latin, the equivalent for entrance to the full classical course of the University of California, or, at the option of the applicant, German, the equivalent of a full course in German at the University of California, and Greek, to meet the same require-

ments as Latin, or, at the option of the applicant, French, to meet similar requirements as German.

(2) The elementary school certificates shall be granted only to those persons who shall have passed a satisfactory examination in the following branches: Grammar, composition, spelling, reading, definition and derivation of words, English and American literature, geography (including physical), arithmetic, bookkeeping, algebra, plane geometry, history of the United States, civil government, drawing, vocal music, school law of California, physiology, elementary physics, methods of teaching, school management, and elementary psychology.

(3) Kindergarten primary school certificates shall be granted only to those persons who shall furnish good and sufficient evidence of satisfactory professional kindergarten training and preparation in an institution approved by the board, and who, in addition thereto, shall have passed a satisfactory examination in English, equivalent to the fullest requirements for admission to the University of California, grammar, spelling, reading, English and American literature, arithmetic, geography, history of the United States, general history, physiology and hygiene, vocal music, and school law.

SEC. 4. Section seventeen hundred and seventy-three of the Political Code is hereby amended so as to read as follows:

Section 1773. All examinations shall be in writing, in answer to questions formulated by the Board of Education. The said board may also examine all applicants, orally, touching the questions asked, and such other matters in connection therewith as shall have a tendency to demonstrate the fitness of the applicant to assume the duties of teacher. The said board shall ask questions of practical utility, with a view of ascertaining the knowledge and ability of the applicant. All examinations shall be public.

SEC. 5. Section seventeen hundred and seventy-four of the Political Code is hereby amended so as to read as follows:

Section 1774. The standing of each applicant in each study must be indorsed on the back of each certificate issued upon examination, otherwise it is not a valid certificate.

SEC. 6. Section seventeen hundred and seventy-five of the Political Code is hereby amended so as to read as follows:

Section 1775. First—The board shall also, without examination, grant county school certificates, as follows:

(1) High school certificates or elementary school certificates:

(a) To the holders of high school certificates of any county, city, or city and county of California.

(b) To the holders of diplomas of the University of California, who have completed the full pedagogical course of said university, and have been recommended by the faculty thereof.

(c) To the graduates of any other educational institution in the United States, which the State Board of Education of California shall have recommended as being of equal merit as the University of California, when the diploma of graduation from such institution shall be accompanied by a recommendation and certificate of the faculty thereof, showing that the holder of the diploma has had academic and professional training equivalent to that required by the University of California. The general conditions on which such recommendations may be accepted by the County Boards of Education as fulfilling these requirements shall be prescribed by the State Board of Education.

(d) And to the holders of valid high school, life, and educational diplomas of California.

(2) Elementary school certificates:

(a) To the holders of elementary school certificates or grammar grade certificates of any county, city, or city and county of California.

(b) To the holders of diplomas of graduation from the full course of a California state normal school.

(c) To the holders of diplomas of graduation from the full course of state normal schools of other States: *provided*, that the State Board of Education of California shall have recommended the normal school issuing the said diploma as being of equal rank with the state normal schools of California.

(d) To the holders of diplomas of graduation from the San Francisco normal school, when recommended by the principal of said school and the School Superintendent of San Francisco.

(e) To the holders of valid life and educational diplomas of California.

(f) To the holders of life diplomas or life certificates of other States, when the diploma presented represents education and experience equal to that required for the life diploma in California.

(3) Kindergarten primary school certificates:

(a) To the holders of kindergarten primary school certificates of any county, city, or city and county of California.

(b) To the holders of primary, grammar grade, high school, or elementary school certificates of any county in California, or of credentials on which a board of education may grant, without examination, an elementary or high school certificate: *provided*, that the holders of the certificates or credentials shall, in addition thereto, furnish good and sufficient evidence of satisfactory professional kindergarten training in an institution approved by the board.

(c) To the holders of diplomas of graduation from the kindergarten department of any state normal school of this State.

(d) To the graduate of any high school established under the laws of California, that has been accredited by the state university, when said graduate has been recommended by the principal of said school, and who shall furnish good and sufficient evidence of satisfactory professional kindergarten training in an institution approved by the board.

Second—Elementary school certificates shall be granted to the holders of valid primary grade certificates who shall pass satisfactory examinations in such branches as do not appear on their certificates or in the record of the examination upon which the original certificate was granted.

Third—The board may, from time to time, without examination, renew unexpired certificates previously granted by said board. A primary certificate, when renewed, shall continue to be valid for two years from the day on which it would otherwise have expired. A high school certificate, a grammar grade certificate, an elementary school certificate, or a kindergarten primary school certificate, when renewed, shall continue to be valid for six years from the day on which it would otherwise have expired; special certificates may be renewed from time to time for a period equal to that for which they were originally granted. The certificates issued or renewed by the County Board of Education shall entitle the holders thereof to teach in any city or school district in the county. All certificates must be issued upon the blank forms prepared by the Superintendent of Public Instruction, and must have the impress of the seal of the board, and be signed by at least four members, one of whom shall be the County Superintendent of Schools.

Fourth—All valid primary and grammar grade certificates, educational diplomas, and other teachers' certificates now in force shall be continued in full force and effect, and shall remain valid for all the purposes for which they were originally granted.

Amendment adopted.

By Senator Withington:

Amend substitute by striking out of Section 6, line 3, the word "shall," and inserting in lieu thereof the following: "may."

Amendment lost.

Bill read second and third times.

The roll was called, and Substitute for Senate Bill No. 471 passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Prisk, Simpson, Smith, Stratton, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 247—An Act making an appropriation to pay the claim of the Daily Report Publishing Company, for advertising the constitutional amendments.

Bill read second and third times.

The roll was called, and Assembly Bill No. 247 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 504—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

Senator Androus asked unanimous consent to withdraw Senate Bill No. 504, and substitute therefor on the special urgency file Assembly Bill No. 691—An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons

believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.

Consent granted.

Senate Bill No. 504 withdrawn, ordered stricken from the file, and Assembly Bill No. 691 substituted therefor on the special urgency file.

Assembly Bill No. 691 read second and third times.

The roll was called, and Assembly Bill No. 691 finally passed by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Pedlar, Prisk, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—22.

NOES—Senators Beard, Luchsinger, Mahoney, Shine, Shippee, and Trout—6.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 691 was this day finally passed.

INTRODUCTION OF CONSTITUTIONAL AMENDMENTS—(OUT OF ORDER).

The following constitutional amendments were introduced, and referred to the Committee on Constitutional Amendments:

By Senator Gillette: Senate Constitutional Amendment No. 43—A resolution proposing to the people of the State of California an amendment to Section 1 of Article VI of the Constitution, in relation to the judicial department.

Also: Constitutional Amendment No. 44—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 5½, Article VI, thereby providing for the organization of a court to be known as the Court of Claims.

RESOLUTION—(OUT OF ORDER).

Senator Beard offered the following resolution and voucher:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Pacific Postal Telegraph Company, for \$50 70, payable out of the Contingent Fund of the Senate, for telegram forwarded to United States Senator George C. Perkins, on March 12th, as per order of Senate.

SACRAMENTO, March 13, 1897.

California State Senate, in account with Pacific Postal Telegraph Company:

March 12—To telegram to Hon. George C. Perkins, Washington.....\$50 70

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending

Section 1 of Article XIII thereof, relative to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

Also: Senate Constitutional Amendment No. 21—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 1, Article VI, thereof, relating to the judiciary, by providing for the establishing of intermediate courts—have had the same under consideration, and respectfully report the same back, and recommend that the author may be permitted to withdraw the same.

Also: Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution, Section 1, relative to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to Section 4, Article XI, of the Constitution, in relation to establishing a system of county governments—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to Section 12, Article XIII, of the Constitution, in relation to the providing for and the collection of an annual poll tax—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Senate Constitutional Amendment No. 26—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judicial department—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Judiciary.

Also: Senate Constitutional Amendment No. 32—Proposing an amendment to Section 7 of Article IX of the Constitution of the State of California, relative to County Boards of Education, for the purpose of entitling holders of California State Normal School diplomas to teach in any primary or grammar school in the State—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Senate Constitutional Amendment No. 34—A resolution to propose an amendment to Article XI of the Constitution of the State of California, relating to the legislative department.

Also: Senate Constitutional Amendment No. 35—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI by adding a new section thereto, to be known as Section No. 5½, relating to consolidated city and county governments.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Senate Constitutional Amendment No. 36—Proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to the framing of charters for cities containing a population of more than three thousand five hundred inhabitants—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Senate Constitutional Amendment No. 40—A resolution to submit to the people of the State of California an amendment to Section 23 of Article IV of the Constitution of the State of California.

Also: Assembly Constitutional Amendment No. 30—Proposed constitutional amendment relative to revenue and taxation.

Also: Assembly Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to Section 6, Article IX, of the Constitution of the State of California, relating to grammar schools.

Also: Assembly Constitutional Amendment No. 44—Proposed amendment to Section 25 of Article IV of the Constitution, with reference to special and local legislation.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

BERT, Chairman.

Senate Constitutional Amendments Nos. 15, 22, 24, 25, 32, 33, 34, 35, 36, and 40 ordered on file.

Senator Bulla asked unanimous consent to withdraw Senate Constitutional Amendment No. 21.

Consent granted.

Senate Constitutional Amendment No. 21 ordered withdrawn.

Senate Constitutional Amendment No. 26 re-referred to the Committee on Judiciary.

Assembly Constitutional Amendments Nos. 30, 38, and 44 ordered on file.

ADJOURNMENT.

At ten o'clock and twenty-five minutes P. M., on motion of Senator Hall, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 16, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Saturday, March 13, 1897, was approved.

COMMUNICATION.

The following communication was presented by the President, read, and ordered printed in the Journal:

SAN FRANCISCO, CAL., March 15, 1897.

To Hon. W. T. JETER, President of the Senate, Sacramento, Cal.:

DEAR SIR: I am instructed by the California Labor Convention to communicate to you the fact that at the meeting of said convention held at San Francisco, March 14, 1897, a resolution was unanimously adopted requesting members of the Senate to vote for the resolution introduced into the Senate by Senator Bulla, and adopted by the Assembly on March 8th, providing for the submission to the people of an amendment to Article XIII of the Constitution, giving to the Legislature full jurisdiction over the subject of taxation, and to municipal corporations the right to determine for themselves by popular vote the manner of raising revenue for local purposes, and asking you to present this communication to the Senate for its consideration. I have the honor to be,

Yours respectfully,

GUY LATHROP,
Secretary California Labor Convention.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Gleaves, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor.

Also: Passed Substitute for Senate Bills Nos. 341, 342, 343, and 564—An Act to provide for certain improvements at the Preston School of Industry, Ione, and to make an appropriation therefor.

Also: Passed Senate Bill No. 443—An Act to amend Section 758 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Withdrew from the file, by request of Mr. Guy, Senate Bill No. 345—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 100.

ASSEMBLY AMENDMENTS.

Amend by striking out of Section 10, line 1, the word "Acts" and inserting the following: "Act."

Also: Insert "Sec. 14" at the beginning of line 3, before the word "This," in Sec. 13.

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 100?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gleaves, Henderson, Holloway, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Substitute for Senate Bills Nos. 341, 342, 343, and 564, and Senate Bills Nos. 100 and 443, ordered to enrollment.

Senate Bill No. 345 withdrawn, and ordered stricken from the file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Also: Assembly Bill No. 638—An Act relating to the liens of miners and others upon mining claims.

Also: Assembly Bill No. 318—An Act making an appropriation to pay the claim of John F. Kidder, for traveling expenses, from August 15, 1893, to December 21, 1896, inclusive.

Also: Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin to connect with a road called "Tioga Road," at or near the Tioga Mine.

Also: Amended, and passed as amended, Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building for the use and occupancy of the officers, employés, and patients of the Mendocino Asylum, to purchase furniture and furnish the same.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills No. 372 and 542 ordered to enrollment.

Assembly Bills Nos. 638 and 318 read first time, and ordered on file without reference to committee.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 119.

ASSEMBLY AMENDMENTS.

Amend by striking out of title, "\$110,000" and inserting in lieu thereof "\$60,000."

Also: By striking out of Section 1, lines 2 and 3, the words "one hundred and ten" and inserting in lieu thereof the word "sixty."

Also: By striking out of Section 1 all of line 8 after "ing," and all of lines 9, 10, and 11.

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 119?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington—27.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 119 ordered to enrollment.

GENERAL FILE—BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT, INCLUDING DEFICIENCY BILLS.

Assembly Bill No. 937—An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years.

During the second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT A.

Strike from page 3, Section 1, line 56, the word "ten" and insert instead the word "five."

Amendment adopted.

AMENDMENT No. 1.

Strike from Section 1, line 246, page 8, the word "forty" and insert instead "thirty."

Amendment adopted.

AMENDMENT B.

Insert between lines 239 and 240, page 8, the following:

For armory rents and other expenses for one additional company, National Guard, two thousand four hundred dollars.

For annual allowance for one additional company, National Guard, five hundred dollars.

For uniforms for one additional company, National Guard, four hundred and eighty dollars.

For armory rents and other expenses for one additional company, National Guard, two thousand four hundred dollars.

For annual allowance for one additional company, National Guard, five hundred dollars.

For uniforms for one additional company, National Guard, four hundred and eighty dollars.

For armory rents and other expenses for one additional company, National Guard, two thousand four hundred dollars.

For annual allowance for one additional company, National Guard, five hundred dollars.

For uniforms for one additional company, National Guard, four hundred and eighty dollars.

For armory rents and other expenses for one additional company, National Guard, two thousand four hundred dollars.

For annual allowance for one additional company, National Guard, five hundred dollars.

For uniforms for one additional company, National Guard, four hundred and eighty dollars.

For armory rents and other expenses for one additional company, National Guard, two thousand four hundred dollars.

For annual allowance for one additional company, National Guard, five hundred dollars.

For uniforms for one additional company, National Guard, four hundred and eighty dollars.

For armory rents and other expenses for one additional company, National Guard, one thousand six hundred dollars.

Amendment lost.

AMENDMENT No. 2.

Insert after the word "seven," in line 261 of Section 1, page 8, the following: "*provided, the State Board of Education is hereby authorized to expend a sum not exceeding five thousand dollars therefrom, to complete the revision of the United States history and the compilation of a primary history of the United States, as provided for in Chapter LXXXVI, statutes of eighteen hundred and ninety-three.*"

Consideration postponed temporarily.

AMENDMENT No. 3.

Strike out from lines 316 and 317 of Section 1 "\$405,000" and insert instead "\$209,000."

Amendment adopted.

AMENDMENT No. 4.

Insert between lines 317 and 318 of Section 1 the following: "For salaries of officers and employés of Insane Asylum at Stockton, \$196,000."

Amendment adopted.

AMENDMENT No. 5.

Strike from lines 318 and 319 of Section 1 "\$400,000" and insert instead "\$214,000."

Amendment adopted.

AMENDMENT No. 6.

Insert between lines 319 and 320 of Section 1 the following: "For salaries of officers and employés of Insane Asylum at Napa, \$186,000."

Amendment adopted.

AMENDMENT No. 7.

Strike from lines 320 and 321 of Section 1 "\$269,376" and insert instead "\$144,576."

Amendment adopted.

AMENDMENT No. 8.

Insert between lines 321 and 322 of Section 1 the following: "For salaries of officers and employés of Insane Asylum at Agnews, \$124,800."

Amendment adopted.

AMENDMENT No. 9.

Strike from lines 322 and 323 of Section 1 "\$160,000" and insert instead "\$90,000."

Amendment adopted.

AMENDMENT No. 10.

Insert between lines 323 and 324 of Section 1 the following: "For salaries of officers and employés of Mendocino Asylum, \$70,000."

Amendment adopted.

AMENDMENT No. 11.

Strike from lines 324 and 325 of Section 1 "\$190,000" and insert instead "\$120,000."

Amendment adopted.

AMENDMENT No. 12.

Insert between lines 325 and 326 of Section 1 the following: "For salaries of officers and employés of Southern California Hospital for Insane, \$70,000."

Amendment adopted.

AMENDMENT No. 13.

Strike out from line 327 of Section 1 "\$119,300" and insert instead "\$79,300."

Amendment adopted.

AMENDMENT No. 14.

Insert between lines 327 and 328 of Section 1 the following: "For salaries of officers and employés of Deaf, Dumb, and Blind Asylum at Berkeley, \$40,000."

Amendment adopted.

AMENDMENT No. 15.

Strike from lines 328 and 329 of Section 1 "\$160,000" and insert instead "\$100,000."

Amendment adopted.

AMENDMENT No. 16.

Insert between lines 329 and 330 of Section 1 the following: "For salaries of officers and employés of Home for Feeble-Minded Children, \$60,000."

Amendment adopted.

AMENDMENT No. 17.

Strike from lines 330 and 331 of Section 1 "\$45,000" and insert instead "\$25,720."

Amendment adopted.

AMENDMENT No. 18.

Insert between lines 331 and 332 of Section 1 the following: "For salaries of officers and employés of Home for Adult Blind, \$19,280."

Amendment adopted.

AMENDMENT No. 19.

Strike from lines 335 and 336 of Section 1 "\$296,000" and insert instead "\$200,000."

Amendment adopted.

AMENDMENT No. 20.

Insert between lines 336 and 337 of Section 1 the following: "For salaries of officers and employés of State Prison at San Quentin, \$120,000."

Amendment adopted.

AMENDMENT No. 21.

Strike from lines 341 and 342 of Section 1 "\$219,000" and insert instead "\$119,000."

Amendment adopted.

AMENDMENT No. 22.

Insert between lines 342 and 343 of Section 1 the following: "For salaries of officers and employés of State Prison at Folsom, \$100,000."

Amendment adopted.

AMENDMENT No. 23.

Strike from lines 347 and 348 of Section 1 "\$200,000" and insert instead "\$108,800."

Amendment adopted.

AMENDMENT No. 24.

Insert between lines 348 and 349 of Section 1 the following: "For salaries of officers and employés of Whittier State School, \$91,200."

Amendment adopted.

AMENDMENT No. 25.

Strike from lines 355 and 356 of Section 1 "\$125,000" and insert instead "\$70,000."

Amendment adopted.

AMENDMENT No. 26.

Insert between lines 356 and 357 of Section 1 the following: "For salaries of officers and employés of Preston School of Industry, \$55,000."

Amendment adopted.

AMENDMENT No. 27.

Strike from line 365 of Section 1 the word "support" and insert instead the word "supplies."

Amendment adopted.

AMENDMENT No. 28.

Strike from lines 365 and 366 of Section 1 "\$100,000" and insert instead "\$8,000."

Amendment adopted.

AMENDMENT No. 29.

Insert between lines 366 and 367 of Section 1 the following: "For salaries of officers, teachers, and employes of State Normal School at San José, \$92,000."

Amendment adopted.

AMENDMENT No. 30.

Strike from line 371 of Section 1 "\$2,500" and insert instead "\$5,000."

Amendment adopted.

AMENDMENT No. 31.

Strike from line 372 of Section 1 the word "support" and insert instead the word "supplies."

Amendment adopted.

AMENDMENT No. 32.

Strike from lines 372 and 373 of Section 1 "\$100,000" and insert instead "\$8,000."

Amendment adopted.

AMENDMENT No. 33.

Insert between lines 373 and 374 of Section 1 the following: "For salaries of officers, teachers, and employes of State Normal School at Los Angeles, \$92,000."

Amendment adopted.

AMENDMENT No. 34.

Strike from line 379 of Section 1 the word "support" and insert instead the word "supplies."

Amendment adopted.

AMENDMENT No. 35.

Strike from lines 379 and 380 of Section 1 "\$56,000" and insert instead "\$3,572."

Amendment adopted.

AMENDMENT No. 36.

Insert between lines 380 and 381 of Section 1 the following: "For salaries of officers, teachers, and employes of State Normal School at Chico, \$52,428."

Amendment adopted.

AMENDMENT No. 36½.

Strike from line 402, Section 1, page 12, the word "ten" and insert instead the word "five."

Amendment lost.

AMENDMENT No. 37.

Strike from Section 1, page 12, lines 404 and 405.

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Voorheis, Stratton, and Mahoney.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Flint, Jones, Langford, Luchsinger, Pedlar, Smith, Trout, and Voorheis—8.

NOES—Senators Androus, Aram, Beard, Bert, Bulla, Denison, Dickinson, Doty, Dwyer, Gillette, Gleaves, Henderson, Holloway, La Rue, Linder, Mahoney, Prisk, Shine, Stratton, Withington, and Wolfe—21.

AMENDMENT No. 38.

Strike from line 413 of Section 1, page 12, "fifteen" and insert instead "twenty."

Amendment adopted.

Senator Withington moved that the vote whereby Amendment No. 38 was adopted be reconsidered.

Motion lost.

BILL RETURNED TO THE ASSEMBLY.

On motion of Senator Androus, Senate Bill No. 574—An Act amending Section 534 of the Political Code—was ordered recalled from the Committee on Enrolled and Engrossed Bills and returned to the Assembly, as requested by that body.

CONSIDERATION OF ASSEMBLY BILL No. 987—(RESUMED).

AMENDMENT No. 39.

Strike from line 415 of Section 1, page 12, "fifteen," and insert instead "twenty."

Amendment adopted.

AMENDMENT No. 39½.

Amend by striking out line 426, Section 1, page 13.

Senator Withington submitted the following substitute for amendment No. 39½:

Amend by striking out of Section 1, line 435, and all of lines down to and including 529.

RECESS.

Pending the consideration of substitute for amendment No. 39½, at the hour of twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

SPECIAL ORDER.

Assembly Bill No. 977—An Act to amend Section 170 of the Code of Civil Procedure.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 977 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Chapman, Dickinson, Doty, Feeney, Franck, Gleaves, Hall, Henderson, Langford, Linder, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, Voorheis, Withington, and Wolfe—26.

NOES—Senators Aram, Braunhart, Bulla, Dwyer, Flint, Gillette, Holloway, Jones, La Rue, Luchsinger, Stratton, and Trout—12.

Title read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: Your Committee on Enrollment beg leave to return Senate Bill No. 574—An Act amending Section 534 of the Political Code—as requested.

JONES, Chairman.

Senate Bill No. 574 ordered returned to the Assembly.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed:

Senate Bill No. 367—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

JONES, Chairman.

Senate Bill No. 367 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 418—An Act to appropriate money for the support of aged persons in indigent circumstances—have had the same under consideration, and respectfully report the same back, and recommend that the same is unconstitutional.

Also: Assembly Bill No. 426—An Act to amend Section 661 of the Code of Civil Procedure.

Also: Assembly Bill No. 463—An Act to amend Section 980 of the Code of Civil Procedure.

Also: Assembly Bill No. 332—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Also: Assembly Bill No. 421—An Act to amend Section 632 of the Code of Civil Procedure.

Also: Assembly Bill No. 422—An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be numbered 635.

Also: Assembly Bill No. 423—An Act to amend Section 658 of the Code of Civil Procedure.

Also: Assembly Bill No. 424—An Act to amend Section 659 of the Code of Civil Procedure.

Also: Assembly Bill No. 425—An Act to amend Section 660 of the Code of Civil Procedure.

Also: Assembly Bill No. 100—An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges.

Also: Assembly Bill No. 275—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts and the crediting of the amount paid (to the tract or land upon which the same was assessed) upon subsequent assessments.

Also: Assembly Bill No. 277—An Act to amend Section 3766 of the Political Code of the State of California, relating to the publication of the delinquent tax list.

Also: Assembly Bill No. 667—An Act to amend Section 595 of the Civil Code of the State of California, relating to religious, social, and benevolent associations.

Also: Assembly Bill No. 631—An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessors.

Also: Senate Bill No. 728—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1426 thereof, relating to executors and administrators.

Also: Assembly Bill No. 743 (Substitute for Assembly Bill No. 266 and Assembly Bill No. 493)—An Act to amend Section 3342 of the Political Code of the State of California, and to add a new section thereto, to be known as Section 3346 thereof, all relating to volunteer fire departments.

Also: Assembly Bill No. 790—An Act to amend Section 1576 of the Code of Civil Procedure, relating to the purchase of property of deceased persons by administrator or executor.

Also: Assembly Bill No. 849—An Act to authorize the Superintendent of Streets of municipalities in this State to enter into contracts for work upon public streets in said municipalities, and to provide a lien for the expense thereof, and for suits to foreclose said liens.

Also: Assembly Bill No. 891—An Act to define and regulate fraternal beneficiary orders.

Also: Assembly Bill No. 926—An Act giving a lien to blacksmiths, woodworkers, and all other persons employed upon any vehicle or implement of husbandry, for labor performed or material furnished upon the same, and providing for liens upon horses and other animals for the cost of shoeing the same.

Also: Assembly Bill No. 631—An Act to amend Section 3640 of the Political Code of California, relating to the duties of Assessor.

Also: Assembly Joint Resolution No. 12—Relative to the declaration of a holiday in commemoration of the defeat of the funding bill.

Also: Senate Concurrent Resolution No. 4—Recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 4, Article VI thereof, relative to appellate jurisdiction of the Supreme Court.

Also: Senate Constitutional Amendment No. 8—To propose to the people of the State of California amendments to the Constitution of the State of California, amending Sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 21, and 23, of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

Also: Senate Constitutional Amendment No. 30—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judiciary department.

Also: Senate Constitutional Amendment No. 31—A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judiciary department.

Have had the same under consideration, and respectfully report the same back without recommendation.

SIMPSON, Chairman.

Senate Bills Nos. 418 and 728 ordered on file for second reading.

Assembly Bills Nos. 426, 463, 332, 421, 422, 423, 424, 425, 100, 275, 277, 667, 631, 743, 790, 849, 891, 926, and 631 ordered on file for second reading.

Assembly Joint Resolution No. 12, Senate Concurrent Resolution No. 4, and Senate Constitutional Amendments Nos. 3, 8, 30, and 31, ordered on file.

RESOLUTION—(OUT OF ORDER).

Senator Androus offered the following resolution:

WHEREAS, The Assembly continues to disregard the courtesy and justice due the Senate by persistently refusing or neglecting to consider and pass Senate bills; therefore, be it

Resolved, That the Senate refuse to consider any more Assembly bills until such time as the Assembly shall take up and give due consideration to Senate bills, in compliance with the Joint Rules.

Resolution referred to the Committee on Rules and Revision.

MOTION.

On motion of Senator Dickinson, Assembly Bill No. 384—An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration," approved April 1, 1876—was ordered withdrawn from the Committee on Corporations, and placed on file.

POSTPONEMENT OF MOTIONS TO RECONSIDER.

Senator Wolfe asked unanimous consent to postpone his motion to reconsider the vote whereby Assembly Bill No. 320 was on a previous day refused passage, until to-morrow at three o'clock and thirty minutes P. M.

Consent granted.

Senator Wolfe asked unanimous consent to postpone his motion to reconsider the vote whereby Assembly Bill No. 691 was on a previous day finally passed, until to-morrow at three o'clock and thirty minutes P. M.
Consent granted.

WITHDRAWAL OF NOTICES OF MOTIONS TO RECONSIDER.

Senator Mahoney asked unanimous consent to withdraw his notice of motion to reconsider the vote whereby Assembly Bill No. 903 was on a previous day finally passed.

Consent granted, and notice of motion to reconsider withdrawn.

Senator Mahoney asked unanimous consent to withdraw his notice of motion to reconsider the vote whereby Assembly Bill No. 905 was on a previous day finally passed.

Consent granted, and notice of motion to reconsider withdrawn.

SENATE BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT,
INCLUDING DEFICIENCY BILLS.

Assembly Bill No. 937—An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years.

Substitute for amendment No. 39½, pending at recess at twelve o'clock and thirty minutes P. M.

The question recurring on the adoption of the substitute offered by Senator Withington to amendment No. 39½.

AYES AND NOES.

On the adoption of the substitute for amendment No. 39½, the ayes and noes were demanded by Senators Gleaves, Aram, and Linder.

The roll was called, and the substitute for amendment No. 39½ lost by the following vote:

AYES—Senators Braunhart, Bulla, Holloway, Mahoney, Pedlar, Stratton, Trout, Voorheis, and Withington—9.

NOES—Senators Androus, Aram, Beard, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Prisk, Seawell, Shine, Shippee, Simpson, Smith, and Toner—25.

Amendment No. 39½ adopted.

By the committee:

AMENDMENT No. 40.

Strike from line 439 of Section 1, of page 13, the word "forty" and insert instead "thirty."

Senator Braunhart submitted the following substitute for amendment No. 40:

Amend Section 1 by striking out of line 439 the word "forty" and inserting in lieu thereof the word "ten."

Substitute for amendment No. 40 lost.

Also: Amend Section 1 by striking out all the words on pages 13 and 14 beginning on line 440 up to and including line 529.

Substitute for amendment No. 40 lost.

Amendment No. 40 adopted.

AMENDMENT No. 41.

Strike from line 452 of Section 1, page 13, the word "two" and insert instead "three."

Amendment adopted.

AMENDMENT No. 42.

Strike from line 463 of Section 1, page 13, "\$3,000" and insert instead "\$3,500."

Amendment adopted.

AMENDMENT No. 43.

Strike from line 487, Section 1, page 14, "\$2,000" and insert instead "\$3,000."

Amendment adopted.

AMENDMENT No. 44.

Strike from line 489 of Section 1, page 14, "\$4,000" and insert instead "\$3,500."

Amendment adopted.

AMENDMENT No. 45.

Strike from line 515, Section 1, page 15, the word "three," and insert instead the word "two."

Amendment adopted.

AMENDMENT No. 46.

In Section 4, line 4, page 16, insert after the word "month," the following: "without the consent of the State Board of Examiners"; and from line 7, of Section 4, strike out the following: "without the consent of the State Board of Examiners."

Amendment adopted.

AMENDMENT No. 47.

Add a new section to follow Sec. 5, to be numbered Sec. 6, to read as follows:

SEC. 6. In case of fire, destruction of buildings, epidemics, or such other cause as may be deemed sufficient and proper to the Board of Examiners, a change and transfer of the inmates of any state asylum, reform school, prison, or other charitable, medical, penal, or reformatory institution, for the support of which any appropriation is herein made, may be made from any one of such institutions to another similar one. In case of such transfer, any money herein appropriated for the support of the institution from which the inmates are taken, may be used to pay for the maintenance and support of such inmates in the institution to which they are transferred. The cost of making the transfer shall be apportioned between the two institutions, equitably, as determined by the Board of Examiners.

The following amendments to amendment No. 47 were submitted by Senator Dickinson:

Amend by striking out from the committee amendment the following: "or such other cause as may be deemed sufficient and proper to the Board of Examiners."

Amendment to amendment No 47 adopted.

Also: Insert "or" before "epidemics."

Amendment to amendment No. 47 adopted.

Amendment No. 47, as amended, lost.

AMENDMENT No. 48.

Strike from line 5, Section 5, page 17, the word "unanimous."

Amendment adopted.

AMENDMENT No. 2.

Insert after the word "seven," in line 261 of Section 1, page 8, the following: "provided, the State Board of Education is hereby authorized to expend a sum not exceeding five thousand dollars therefrom, to complete the revision of the United States history and the compilation of a primary history of the United States, as provided for in Chapter LXXVI, statutes of eighteen hundred and ninety-three."

The following substitute for amendment No. 2 was submitted by Senator Withington:

Amend by striking out of Section 1, lines 255 to 262, inclusive.

Substitute adopted.

The following amendment to amendment No. 40 was submitted by Senator Doty:

Amend amendment No. 40 by striking out the word "thirty" and inserting the words "thirty-five."

AYES AND NOES.

On the adoption of the amendment to amendment No. 40, the ayes and noes were demanded by Senators Langford, Shippee, and Doty.

The roll was called, and the amendment to amendment No. 40 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Chapman, Doty, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Linder, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, and Wolfe—23.

NOES—Senators Boyce, Braunhart, Bulla, Flint, Jones, Pedlar, Trout, Voorheis, and Withington—9.

By Senator Androus:

Amend by striking out of Section 1, line 101, the word "five," and inserting in lieu thereof the following: "eight."

Amendment lost.

By Senator Smith:

Amend by striking out of Section 1, lines 406 to 410, inclusive.

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Pedlar, Smith, and Langford.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Denison, Doty, Hall, Jones, Langford, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Trout, and Withington—13.

NOES—Senators Beard, Bert, Boyce, Braunhart, Bulla, Dickinson, Flint, Franck, Gleaves, Holloway, La Rue, Linder, Luchsinger, Mahoney, Simpson, Stratton, and Voorheis—17.

By Senator Bulla:

Amend by striking out of Section 1, line 378, the word "two," and inserting in lieu thereof the following: "three."

Amendment adopted.

By Senator Prisk:

Amend by inserting after line 239 the following:

For armory rents and other expenses for one additional company National Guard, two thousand four hundred dollars.

For annual allowance for one additional company National Guard, five hundred dollars.

For uniforms for one additional company National Guard, four hundred and eighty dollars.

For armory rents and other expenses for one additional company Naval Reserve of the National Guard, one thousand six hundred dollars.

Amendment adopted.

By Senator Seawell:

Amend by striking out of Section 1, line 349, the word "five," and on line 350, the word "hundred" and inserting in lieu thereof the following: "two hundred and fifty."

Amendment lost.

By Senator Pedlar:

Amend by striking out of Section 1, lines 227 and 228, the words "thirty-two thousand" and inserting the following: "forty-seven thousand five hundred."

Amendment adopted.

By Senator Voorheis:

Amend by striking out of Section 1, line 334, the word "fifty" and inserting in lieu thereof the following: "sixty."

Amendment lost.

By Senator Withington:

Amend by striking out of Section 1, line 402, the word "ten."

AYES AND NOES.

On the adoption of the amendment, the ayes and noes were demanded by Senators Withington, Seawell, and Gleaves.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Aram, Bulla, Luchsinger, Seawell, Shippee, Smith, Trout, Voorheis, and Withington—9.

NOES—Senators Androus, Bert, Braunhart, Chapman, Dickinson, Doty, Dwyer, Franck, Gleaves, Hall, Henderson, Holloway, La Rue, Linder, Prisk, Shine, and Stratton—17.

Bill read second time, and ordered to print and engrossment.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT No. 12—(OUT OF ORDER).

On motion of Senator Bulla, Senate Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage—was taken up for consideration.

The roll was called, and Senate Constitutional Amendment No. 12 refused adoption by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dwyer, Gleaves, Hall, Henderson, Holloway, Langford, La Rue, Linder, Mahoney, Pedlar, Prisk, Shine, Shippee, Stratton, Toner, Trout, and Voorheis—24.

NOES—Senators Braunhart, Chapman, Dickinson, Doty, Flint, Franck, Gillette, Jones, Luchsinger, Seawell, Simpson, Smith, Withington, and Wolfe—14.

POSTPONEMENT OF MOTION TO RECONSIDER.

Senator Simpson asked unanimous consent to postpone until to-morrow his motion to reconsider the vote whereby Substitute for Senate Bill No. 91 was on a previous day refused passage.

Consent granted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Section 12 of Article XIII of the Constitution of the State of California, by providing that persons voting at a general election shall be exempt from the payment of poll tax—report that we have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERT, Chairman.

Assembly Constitutional Amendment No. 19 ordered on file.

ON COUNTIES AND COUNTY BOUNDARIES.

SENATE CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 319—An Act to amend an Act entitled "An Act to establish a

uniform system of county and township governments," approved March 24, 1893, by amending Section 235, relating to the classification of new counties, and the reclassification of any existing county, where the population of such county shall have been reduced by reason of the creation of any new county from the territory thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 637—An Act to provide for the formation, organization, and classification of new counties; for location of the county seats thereof; for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 964—An Act to amend Section 3930 of the Political Code, relating to the permanent boundary line between the counties of Amador and El Dorado—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LINDER, Chairman.

Senate Bills Nos. 319 and 637 and Assembly Bill No. 964 ordered on file.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution and statement:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Pacific Postal Telegraph Company, for \$50 70, payable out of the Contingent Fund of the Senate, for telegram forwarded to United States Senator George C. Perkins, on March 12th, as per order of Senate.

SACRAMENTO, March 13, 1897.

California State Senate, in account with Pacific Postal Telegraph Company.

March 12—To telegram to Hon. George C. Perkins, Washington.....\$50 70

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Trout, and Voorheis—22.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate constitutional amendment has been correctly engrossed: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California to amend Article II of the Constitution, by adding thereto a new section, to be known as Section 20, in relation to tax levies by counties and cities and counties.

JONES, Chairman.

Senate Constitutional Amendment No. 2 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 288—An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor.

Also: Senate Bill No. 38—An Act appropriating the sum of five thousand dollars for repairs and improvements in the State Normal School buildings at Los Angeles, California.

Also: Senate Bill No. 684—An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union.

Also: Senate Bill No. 101—An Act to provide for the purchase of land, the purchase

of machinery, the construction of a dam, and other improvements, by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor.

Also: Senate Joint Resolution No. 16 -Relating to the citrus fruit industry.

And presented the same to the Governor on this day, at three o'clock and fifteen minutes P. M.

JONES, Chairman.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Dickinson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 15th day of March refused to pass Senate Bill No. 334—An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations.

Also: On the 16th day of March passed Assembly Bill No. 986—An Act appropriating money to pay the expenses of conducting investigation into the charges of bribery in connection with the passage of Assembly Bill No. 273.

Also: Assembly Bill No. 987—An Act making an appropriation for the contingent expenses of the Assembly for the thirty-second session of the Legislature.

Also: Senate Bill No. 668—An Act to amend Section 599 of the Civil Code, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.

Also: Amended, and passed as amended, Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Also: Passed Assembly Bill No. 553—An Act to provide for the survey and construction of a wagon road from Tallac to McKinneys, along the shore of Lake Tahoe.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bills Nos. 986, 987, and 553 ordered on file without reference to committee.

Senate Bill No. 668 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 77.

ASSEMBLY AMENDMENTS.

In Section 1, line 1, of printed bill, after the word "which," strike out the words "has or."

Also: In Section 1, line 2, of printed bill, after the word "State," insert the words "and the provisions of this Act."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 77?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Mahoney, Pedlar, Frisk, Shippee, Smith, Trout, Voorheis, and Withington—24.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 77 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 984—An Act making an appropriation to pay for the expenses incurred by Assembly Concurrent Resolution No. 6, appointing a joint committee of the Senate and Assembly to investigate the affairs of the State Printing Office.

Also: On the 12th day of March passed Assembly Bill No. 362—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Also: On the 15th day of March passed Assembly Bill No. 5—An Act for the relief of Julius A. Hult, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Also: Assembly Bill No. 748—An Act to provide for the working, dressing, and carving of stone for public work.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 984, 362, 5, and 748 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 15th of March, disposed of the notice to reconsider the vote whereby Senate Bill No. 574 was passed, and therefore respectfully withdraw the request previously made for a return of said bill to the Assembly for further consideration.

S. J. DUCKWORTH, Chief Clerk.

On motion of Senator Voorheis, Senate Bill No. 574 was ordered returned to enrollment, it not having as yet been transmitted to the Assembly, as asked for in a former message from that body.

RECESS.

At five o'clock and ten minutes P. M., on motion of Senator Mahoney, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Simpson, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 859—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Board of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Bill read third time.

The roll was called, and Assembly Bill No. 859 finally passed by the following vote:

AYES—Senators Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Trout, Voorheis, and Withington—25.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

Senator Androus was granted a leave of absence for this evening and to-morrow, as requested by Senator Pedlar.

Senators Linder and Bert were granted a leave of absence for this evening and to-morrow, as requested by Senator Aram.

Senator Henderson was granted a leave of absence for this evening and to-morrow, as requested by Senator Chapman.

Senator Shine was granted a leave of absence for this evening and to-morrow, as requested by Senator Denison.

Senator Langford was granted a leave of absence until nine o'clock and thirty minutes p. m., as requested by Senator Dickinson.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 367—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 367 and substitute therefor on special urgency file Assembly Bill No. 362—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Consent granted.

Senate Bill No. 367 withdrawn, ordered stricken from the file, and Assembly Bill No. 362 substituted therefor on the special urgency file.

Assembly Bill No. 362—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out all of line 1, and to and including the semicolon on line 2, and inserting in lieu thereof:

SECTION 1. A new section is hereby added to the Political Code, to be known as section three thousand two hundred and forty-nine (3249).

Also: "After 'State,' on line 4 of printed bill, insert 'and who sells exclusively to the trade.'"

Amendments adopted.

Bill read second time and ordered to print.

Senate Bill No. 730—An Act to authorize the Board of Railroad Commissioners to reduce the fare on street railways in cities, cities and counties, and towns, and authorizing such board to require the issuance of commutation tickets for transportation on such street railways, and to fix the rates therefor.

Passed on file temporarily.

Assembly Bill No. 876—An Act to regulate the business of commission merchants, agents, factors, or brokers dealing in farm produce, grain, fruit, seeds, honey, or dairy produce.

Bill read third time.

The roll was called, and Assembly Bill No. 876 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Prisk, Shippee, Simpson, and Trout—21.

NOES—Senators Bert, Braunhart, Seawell, and Withington—4.

Title read and approved.

Senate Bill No. 730—An Act to authorize the Board of Railroad Commissioners to reduce the fare on street railways in cities, cities and counties, and towns, and authorizing such board to require the issuance of commutation tickets for transportation on such street railways, and to fix the rates therefor.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 730 from his place on the special urgency file, and have it replaced on the general file, and substitute therefor on special urgency file Assembly Bill No. 983—An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters.

Consent granted.

Senate Bill No. 730 withdrawn from the special urgency file and ordered on the general file, and Assembly Bill No. 983 substituted therefor on special urgency file.

RESOLUTION—(OUT OF ORDER).

Senator Braunhart offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 983, 194, and 246 and Senate Bill No. 693 present cases of urgency, as that term is used in Section 15, Article IV, of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their final passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Voorheis, and Withington—28.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 983—An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters.

Bill read second and third times.

The roll was called, and Assembly Bill No. 983 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Simpson, Smith, and Withington—23.

NOES—None.

Title read and approved.

Senate Bill No. 468—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

During the second reading of the bill, the following amendments were submitted:

By Senator Boyce:

Amend by striking out of title the figure 5, in number 1595, and inserting in lieu thereof figure "3," so as to read 1593.

Amendment adopted.

By the committee:

On page 1, in Section 1 of printed bill, strike out from and including the word "separate," in line 4, to and including the first word "Controller," in line 5.

Amendment adopted.

Also: On page 5, in Section 4 of printed bill, in line 11, after the word "schools," add the words "and such kindergarten classes shall be maintained out of the public school funds, like other public schools."

Amendment adopted.

Also: On page 5, in Section 5, of printed bill, after the word "classes," in line 9, strike out the following words: "issued by any reputable kindergarten teachers' school."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 31—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building, in San Francisco, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Assembly Bill No. 194—An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' lien, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon.

Bill read second and third times.

The roll was called, and Assembly Bill No. 194 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Smith, Trout, and Wolfe—21.

NOES—Senators Chapman, Dickinson, Holloway, Jones, Shippee, Simpson, Stratton, and Withington—8.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Denison offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 225 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Wolfe—29.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 225—An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 225 finally passed by the following vote:

AYES—Senators Aram, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—24.

NOES—None.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Seawell, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

S. J. DUCKWORTH, Chief Clerk.

SPECIAL ORDER.

On motion of Senator Smith, Senate Bill No. 136 was made a special order for to-morrow morning, immediately after approval of Journal.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 495—An Act to amend Section 622 of the Political Code of the State of California, relating to the retaliatory clause concerning insurance companies.

Also: Assembly Bill No. 959—An Act to amend Section 35 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the duties of Superintendent of Streets in municipalities having a population of over fifty thousand inhabitants.

Also: Assembly Bill No. 948—An Act for the relief of John Mullan, and to appropriate money therefor.

Also: Adopted Assembly Joint Resolution No. 23—Relative to the protection of the farming industry.

S. J. DUCKWORTH, Chief Clerk.

Senate Bill No. 495 ordered to enrollment.

Assembly Bills Nos. 959 and 948 ordered on file without reference to committee.

MOTIONS.

Senator Seawell moved that the rules be suspended, and that Assembly Joint Resolution No. 23 be taken up for consideration.

Senator Withington moved that the motion to suspend the rules be laid on the table.

AYES AND NOES.

On the motion to lay on the table, the ayes and noes were demanded by Senators Braunhart, Seawell, and Prisk.

The roll was called, and the motion to lay on the table carried by the following vote:

AYES—Senators Beard, Bulla, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Luchsinger, Mahoney, Pedlar, Simpson, Smith, Toner, Trout, Withington, and Wolfe—19.

NOES—Senators Aram, Braunhart, Chapman, Doty, Feeney, Hall, La Rue, Prisk, and Seawell—9.

Assembly Joint Resolution No. 23 referred to the Committee on Federal Relations.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: I am directed to request your honorable body to return to the Assembly Senate Bill No. 351—An Act entitled "An Act to amend Section 1196 of the Political Code, relating to elections"—as amended in the Assembly, for further consideration.

S. J. DUCKWORTH, Chief Clerk.

Senate Bill No. 351 ordered returned to the Assembly, as requested by that body.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor.

Also: Passed Assembly Bill No. 928—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down, and returning an exhibit of the products of the State of California at the Hamburg Horticultural Exposition, to be held at Hamburg, Germany, in 1897, and to provide for a commission, secretary of a commission, and the pay of the secretary thereof.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

On motion of Senator Luchsinger, Senate Bill No. 419, as amended by the Assembly, was referred to Senator Flint for examination.

Assembly Bill No. 928 ordered on file without reference to committee.

MOTION.

Senator Stratton moved that Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, to be known and designated as Section 7½, Article XI thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government—be placed on the special urgency file in the place allotted to Senator Beard, and considered.

So ordered.

Senate Constitutional Amendment No. 10 read, as follows:

SENATE CONSTITUTIONAL AMENDMENT No. 10.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 7½, Article XI thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government.

The Legislature of the State of California, at its thirty-second session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that a new section be added to the Constitution of the

State of California, to be known and designated as section seven and one half, article eleven thereof, as follows:

SEC. 7½. The inhabitants of any county may frame a county government act for their own government, relating to the matters hereinafter specified, and consistent with, and subject to, the Constitution and laws of this State, by causing a board of fifteen freeholders, who have been, for at least five years, qualified electors of such county, to be elected by the qualified electors of such county, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a county government act for such county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the Board of Supervisors or other legislative body of such county, and the other copy to be sent to the recorder of deeds of the county. Such proposed county government act shall then be published in two papers of general circulation in such county, or if there be not two such papers, then in one only, for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such county, at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its rejection or approval, as a whole, without power of alteration or amendment, and if approved by a majority of the members elected to each house, it shall be the county government act of such county, and shall in such case become the organic law thereof and supersede any existing county government act, and all amendments thereof, and all special laws inconsistent with such county government act.

A copy of such county government act, certified by the president of the Board of Supervisors or other legislative body of such county, and authenticated by the seal of such county, setting forth the submission of such county government act to the electors, and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the recorder of deeds in the county, among the archives of the county.

All courts shall take judicial notice thereof. The county government act so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the county, to the qualified electors thereof, at a general or special election held at least forty days after the publication of such proposals for twenty days in a newspaper of general circulation in such county, and ratified by at least three fifths of the qualified electors voting thereon, and approved by the Legislature as herein provided for the approval of the county government act. In submitting any such county government act, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

It shall be competent in all county government acts framed under the authority given by this section, to provide for the manner in which, the times at which, and the terms for which the several township and county officers, other than judges of the Superior Court, shall be elected or appointed; for their compensation; for the number of such officers, for the consolidation or segregation of offices, for the number of deputies that each officer shall have, and for the compensation payable to each of such deputies; for the manner in which, the times in which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attachés; also, to prescribe the manner and method by which all elections by the people shall be conducted; and may in addition determine the tests and conditions upon which electors, political parties, and organizations may participate in any primary election.

Whenever any county has, in the manner and method herein pointed out, adopted any county government act, and the same shall have been approved by the Legislature as aforesaid, the directions of sections four and five of this article, providing for the uniformity of a system of county governments throughout the State, and likewise providing for the election and appointment of officers, and the regulation of their compensation, shall not apply. Said county government act shall, as to any of the matters hereinabove provided for and declared by such county government act, not be subject to any law or amendment enacted by the Legislature, except by amendment first submitted to the electors and ratified in the manner hereinabove set forth.

The roll was called, and Senate Constitutional Amendment No. 10 adopted by the following vote:

AYES—Senators Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—27.
NOES—None.

BILLS ORDERED ON SPECIAL URGENCY FILE.

Senator Hall asked that Assembly Bill No. 384—An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing

fires, and of saving property and human life from conflagration," approved April 1, 1876—be placed on the special urgency file in the place allotted to him.

So ordered.

Senator Dwyer asked that Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor—be placed on the special urgency file in the place allotted to him.

So ordered.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT No. 41—(OUT OF ORDER).

Senator Dickinson asked unanimous consent to take up for consideration Senate Constitutional Amendment No. 41.

Consent granted.

During the reading of Senate Constitutional Amendment No. 41, the following amendment was submitted by the committee:

Amend Senate Constitutional Amendment No. 41 so as to read as follows:

SENATE CONSTITUTIONAL AMENDMENT No. 41.

A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, eighteen hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that section eighteen of article eleven of the Constitution of the State of California be amended so as to read as follows:

SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before, or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however,* that the City and County of San Francisco may at any time pay the unpaid claims with interest thereon for materials furnished to and work done for said city and county during the forty-third and forty-fourth fiscal years, out of the income and revenue of any succeeding year or years; *provided,* that any and all claims for making, repairing, altering, or for any work done upon or for any material furnished for any street, lane, alley, court, place, or sidewalk, or for the construction of any sewer or sewers in said city and county are hereby excepted from the provisions of this section; and in determining any claim permitted to be paid by this section, no statute of limitations shall apply in any manner; and *provided further,* that the City of Vallejo, in Solano County, may pay its existing indebtedness incurred in the construction of its waterworks, whenever two thirds of the electors thereof, voting at an election held for that purpose, shall so decide. Any indebtedness or liability incurred contrary to this provision, with the exception hereinbefore recited, shall be void.

Amendment adopted.

The roll was called, and Senate Constitutional Amendment No. 41, as amended, adopted by the following vote:

Ayes—Senators Aram, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

Nays—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 240—An Act making an appropriation to pay the deficiency in the appropriation to provide for the erection and operation of rock-crushing plants at the State prisons, etc.

Senator Doty asked unanimous consent to withdraw Assembly Bill No. 240, and substitute therefor on special urgency file Assembly Bill No. 243—An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894.

Consent granted.

Assembly Bill No. 240 withdrawn, ordered stricken from the file, and Assembly Bill No. 243 substituted therefor on special urgency file.

Bill read second time and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

Senator Dwyer offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 160 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunningan against the State of California, and making an appropriation therefor.

During the second reading of the bill, the following amendment was submitted by Senator Dickinson:

Amend by striking out "ten thousand two hundred and twenty-five (10,225)," and inserting instead thereof "five thousand," wherever it may appear in Sections 1 and 2.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

ADJOURNMENT.

At ten o'clock and twenty-six minutes P. M., on motion of Senator Wolfe, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 17, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luch-singer, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Monday, March 15, 1897, was approved.

BILL RESTORED TO FILE AND ORDERED ON SPECIAL URGENCY FILE.

Senator Simpson asked unanimous consent to have Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles, and other horseless vehicles—restored to file and placed on the special urgency file in the place allotted to him.

Consent granted, and Senate Bill No. 453 ordered on the special urgency file in the place allotted to Senator Simpson.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CLAIMS, RETRENCHMENT, AND PUBLIC EXPENDITURES.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Claims, Retrenchment, and Public Expenditures, to whom was referred Assembly Bill No. 932—An Act making an appropriation to pay the claim of Charles W. Metcalf against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and ask that it be referred to the Committee on Finance before being placed on the second-reading file.

BULLA, Chairman.

Assembly Bill No. 932 re-referred to the Committee on Finance.

CASE OF URGENCY.

Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles, and other horseless vehicles.

Bill read third time.

On motion of Senator Simpson, Senator Voorheis was appointed a special committee of one to amend as follows:

Amend by adding in Section 1, line 9, after the word "vehicles," the words "propelled by the rider," and also adding after the word "years," in line 10, the following: "*provided*, that in incorporated cities no franchise shall be granted for the purpose herein expressed, unless the consent in writing of the owners of a majority of the frontage upon the road or street along which said path or road is sought to be constructed be first had and obtained, and filed with such legislative or governing body."

Also: Amend the title by inserting the words "counties and" between the words "by" and "municipalities."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 453, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to reprint and reëngrossment.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of the committee of free conference was received and read:

SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your committee of free conference, to whom was referred Assembly Bill No. 372, have had the same under consideration, and beg leave to report back to your honorable body, and recommend that said bill be returned to the Senate and do pass, as amended, as follows:

Amend by striking out all after the enacting clause and inserting the following:

SECTION 1. Section seven hundred and thirty-nine of the Political Code is hereby amended to read as follows:

Section 739. The annual salaries of the officers connected with the Supreme Court are as follows:

The reporter of decisions, twenty-five hundred dollars.

One phonographic reporter, three thousand dollars, and one phonographic reporter, twenty-four hundred dollars.

One secretary of the court, twenty-four hundred dollars, and one secretary of the court, twelve hundred dollars.

Each bailiff, fifteen hundred dollars.

The librarian, fifteen hundred dollars.

SEC. 2. Section seven hundred and sixty-nine of the Political Code is hereby amended to read as follows:

Section 769. The Supreme Court may also, in like manner, appoint two phonographic reporters for the court, to hold office at its pleasure.

SEC. 3. Section twenty-three hundred and fourteen of the Political Code is hereby amended to read as follows:

Section 2314. The Justices of the Supreme Court are hereby authorized to appoint a librarian for the Supreme Court library, who, under their direction, shall conduct its affairs and be responsible for its care. He shall receive the salary provided for in section seven hundred and thirty-nine of this Code.

SEC. 4. This Act shall take effect immediately.

EMMONS,
WRIGHT,
SIMS,

Assembly Committee.

GILLETTE,
STRATTON,
DWYER,

Senate Committee.

The roll was called, and the report of the committee of free conference adopted by the following vote:

AYES—Senators Aram, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Franck, Gleaves, Hall, Holloway, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—21.

NOES—Senators Jones and La Rue—2.

Senate Constitutional Amendment No. 7-- Proposing an amendment to Section 1, Article XIV, of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities, or cities and counties, having a population of one hundred thousand inhabitants and over, or the inhabitants thereof.

Senate Constitutional Amendment No. 7 passed on file, but to retain its place.

RESOLUTION—(OUT OF ORDER).

Senator Voorheis offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 986, 987, and 984 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aram, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—27.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 986—An Act appropriating money to pay the expenses of conducting investigation into charges of bribery in connection with the passage of Assembly Bill No. 273.

Bill read second and third times.

The roll was called, and Assembly Bill No. 986 finally passed by the following vote:

AYES—Senators Aram, Beard, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Shine, Shippee, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—24.

NOES—None.

Title read and approved.

Assembly Bill No. 987—An Act making an appropriation for the contingent expenses of the Assembly for the thirty-second session of the Legislature.

Bill read second and third times.

The roll was called, and Assembly Bill No. 987 finally passed by the following vote:

AYES—Senators Aram, Beard, Bulla, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 984—An Act making an appropriation to pay for the expenses incurred by Assembly Concurrent Resolution No. 6, appointing a joint committee of the Senate and Assembly to investigate the affairs of the State Printing Office.

Bill read second and third times.

On motion of Senator Dickinson, Senator Voorheis was appointed a special committee of one to amend as follows:

Amend by adding to Section 1 the following: "All such claims or expenses are hereby specially exempted from the provisions of Section 672 of the Political Code."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 984, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reprint.

At ten o'clock and fifty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Simpson moved a reconsideration of the vote whereby Assembly Bill No. 876 was finally passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Braunhart, Denison, Dwyer, Feeney, Mahoney, Pedlar, Simpson, Voorheis, Withington, and Wolfe—10.

NOES—Senators Aram, Bulla, Chapman, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, La Rue, Luchsinger, Seawell, Shine, Shippee, Smith, Stratton, Toner, and Trout—19.

MOTION.

On motion of Senator Boyce, Substitute for Senate Bill No. 474—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893—was ordered to print.

GENERAL FILE—SENATE CONSTITUTIONAL AMENDMENTS.

Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, relating to revenue and taxation.

During the reading of Senate Constitutional Amendment No. 6 the following amendments were submitted:

By Senator Braunhart:

Amend by adding the following words at the end of Section 1, viz.: "shall be exempt from taxation."

Amendment adopted.

By the committee:

Amend title by adding after the word "amending," in line 2 of said title, the words "section one of."

Amendment adopted.

Also: Strike out of line 12 the words "two hundred and fifty," and insert in lieu thereof the words "five hundred."

Amendment adopted.

Senate Constitutional Amendment No. 6 ordered to print.

SPECIAL ORDER.

Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

The question being, "Shall the Senate concur in the Assembly amendments to Senate Bill No. 136?"

Senator Smith moved that the Senate refuse to concur in any of the Assembly amendments to subdivision 4, Section 25, of Senate Bill No. 136.

Senator Bulla moved as a substitute for Senator Smith's motion that the Senate refuse to concur in any of the Assembly amendments to Senate Bill No. 136.

The roll was called, and the substitute adopted by the following vote:

AYES—Senators Aram, Beard, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—29.

NOES—None.

The Secretary was directed to immediately prepare a message informing the Assembly of the foregoing action.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

On motion of Senator Brauhart, Senate constitutional amendments were taken up and considered.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XI of the Constitution, by adding thereto a new section, to be known as Section 20, in relation to tax levies by counties, and cities and counties.

Senate Constitutional Amendment No. 2 read, as amended.

The roll was called, and Senate Constitutional Amendment No. 2 refused adoption by the following vote:

AYES—Senators Brauhart, Bulla, Dwyer, Franck, Gillette, Holloway, Langford, La Rue, Luchsinger, Prisk, Stratton, and Wolfe—12.

NOES—Senators Aram, Beard, Boyce, Chapman, Denison, Dickinson, Feeney, Flint, Gleaves, Jones, Mahoney, Shine, Simpson, Toner, Trout, and Voorheis—16.

SENATE BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT, INCLUDING DEFICIENCY BILLS.

Senator Voorheis moved that Assembly Bill No. 937 be taken up for consideration.

So ordered.

Assembly Bill No. 937—An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years.

Bill read third time.

On motion of Senator La Rue, Senator Voorheis was appointed a special committee of one to amend as follows:

Amend by inserting in Section 1, line 542, after the word "five," the word "hundred."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 937, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Prisk, Senator Gillette was appointed a special committee of one to amend as follows:

Strike out of Section 1, line 526, the words "two thousand dollars," and insert in lieu thereof "two thousand five hundred dollars."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 937, with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendment refused adoption.

On motion of Senator Pedlar, Senator Voorheis was appointed a special committee of one to amend as follows:

Amend by striking out of Section 5, line 6, of printed bill, the words "every member," and inserting in lieu thereof the following: "a majority of the members."

Also: Strike out of line 16 the word "unanimous."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 937, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Voorheis, Senator Bulla was appointed a special committee of one to amend as follows:

Amend by inserting in Section 1, between lines 487 and 488, the words "for salaries of the Commissioners of the Department of Highways, eighteen thousand dollars; for salary of secretary of the Department of Highways, three thousand dollars; for salary of the stenographer of the Department of Highways, two thousand four hundred dollars; for traveling and contingent expenses of the Department of Highways, eight thousand five hundred dollars."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 937, with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Withington, Senator Seawell was appointed a special committee of one to amend as follows:

Amend by striking out all after the word "appropriations" on lines 11 and 12, Section 5, page 18.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 937, with instructions to amend, respectfully reports the same back, amended as per instructions.

SEAWELL, Committee.

Report of special committee of one and amendment adopted.

On motion of Senator Withington, Senator Voorheis was appointed a special committee of one to amend as follows:

Strike from lines 28 and 29, Section 1, "\$9,600," and insert "\$7,200."

Also: Strike out lines 40 and 41, Section 1, and insert instead "for salary of phonographic reporters of Supreme Court, \$10,800."

Also: Strike from lines 42 and 43 "\$2,400," and insert "\$3,000."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 937, with instructions to amend, respectfully reports the same back, amended as per instructions.

VOORHEIS, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to reprint.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Smith, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the free conference committee on Assembly Bill No. 372—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Also: On this day refused to recede from the Assembly amendments to Senate Bill No. 136—An Act to establish a uniform system of county and township governments—and have appointed as a committee on conference, Messrs. Valentine, Jones, and Caminetti, and request your honorable body to appoint a like committee.

S. J. DUCKWORTH, Chief Clerk.

Senators Smith, Pedlar, and Prisk were appointed a committee on conference to act with a like committee from the Assembly, in relation to Assembly amendments to Senate Bill No. 136.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 16th day of March refused second reading to Senate Bill No. 502—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to the appointment of special administrators.

Also: Refused third reading to Senate Bill No. 90—An Act for the relief of district agricultural associations.

Also: Struck out the enacting clause to Senate Bill No. 193—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons.

Also: On the 15th day of March passed Assembly Bill No. 241—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Also: On the 16th day of March passed Assembly Bill No. 285—An Act for the employment of the homeless and the unemployed, and for the punishment of vagrants.

Also: On the 16th day of March adopted Senate Concurrent Resolution No. 11—Relative to employment of electrician, engineer, and fireman for the remainder of the session

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 241 and 285 ordered on file without reference to committee.

Senate Concurrent Resolution No. 11 ordered to enrollment.

SENATE CONSTITUTIONAL AMENDMENTS—(RESUMED).

Senate Constitutional Amendment No. 5—An amendment to propose to the people of the State of California, repealing Section 12 of Article XIII of the Constitution of the State of California, relative to revenue and taxation.

During the reading of Senate Constitutional Amendment No. 5, the following amendments were submitted by the committee:

Amend title by adding after the word "California," in line 1 of said title, the words "a resolution."

Amendment adopted.

Also: Strike out all of lines 1 and 2, and the words "California relative to revenue and taxation."

Amendment adopted.

Senate Constitutional Amendment No. 5 ordered to print.

Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 9 of Article XIII thereof, relative to the Board of Equalization, providing that said board shall consist of four members, to be elected at large by the electors of the State.

The following amendments were submitted by the committee:

Amend title by striking out of line 5 the words "four members," and inserting in lieu thereof the following: "one member from each congressional district."

Amendment adopted.

Also: Amend by striking out of lines 1 and 2 the words "four members," and inserting in lieu thereof the following: "one member from each congressional district."

Amendment adopted.

Senate Constitutional Amendment No. 4 ordered to print.

Senate Constitutional Amendment No. 7—Proposing an amendment to Section 1 of Article XIV of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities, or cities and counties, having a population of one hundred thousand inhabitants and over, or the inhabitants thereof.

Senate Constitutional Amendment No. 7 passed on file, but to retain its place.

Senate Constitutional Amendment No. 11—Proposed amendment to Section 7 of Article I of the Constitution, relative to juries.

Senate Constitutional Amendment No. 11 passed on file, but to retain its place.

Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to and providing for the repeal of Sections 22 and 23 of Article XII of the Constitution, relative to a Board of Railroad Commissioners.

Senate Constitutional Amendment No. 9 passed on file, but to retain its place.

Senate Constitutional Amendment No. 28—An Act to amend Section 12 of Article XI of the Constitution.

Senate Constitutional Amendment No. 28 passed on file, but to retain its place.

Senate Constitutional Amendment No. 19—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, relative to the legislative department, by adding a section thereto, to be numbered 36.

Senate Constitutional Amendment No. 19 passed on file, but to retain its place.

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, by taking away the control of granting high-school certificates from County Boards of Education.

Senate Constitutional Amendment No. 23 passed on file, but to retain its place.

Senate Constitutional Amendment No. 39—Relative to the judicial department.

Senate Constitutional Amendment No. 39 passed on file temporarily.

MOTION.

On motion of Senator Dickinson, Senate Constitutional Amendment No. 8—To propose to the people of the State of California amendments to the Constitution of the State of California, amending Sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 21, and 23 of Article VI thereof, relating to the judiciary, and establishing courts of appeal—was ordered to print.

Senate Constitutional Amendment No. 13—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

Senate Constitutional Amendment No. 13 read, as follows:

SENATE CONSTITUTIONAL AMENDMENT No. 13.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

The Legislature of the State of California, at its thirty-second session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that section five of article eleven of the Constitution of the State of California be amended so as to read as follows:

Section 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. The compensation of such officers and of their deputies, clerks, and assistants, shall be regulated in such manner as the Legislature may, by uniform laws, provide, and for this purpose it may classify the counties by population: and it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them or officially come into their possession.

The roll was called, and Senate Constitutional Amendment No. 13 adopted by the following vote:

AYES—Senators Aram, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Langford, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—Senator La Rue—1.

WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

Senator Seawell asked unanimous consent to withdraw his notice of motion to reconsider the vote whereby Assembly Bill No. 194 was, on a previous day, finally passed.

Consent granted.

SENATE CONSTITUTIONAL AMENDMENTS—(RESUMED).

Senate Constitutional Amendment No. 38—Relative to the judicial department.

During the reading of Senate Constitutional Amendment No. 38, the following amendments were submitted by the committee:

Amend on page 1 of the printed bill by filling out the blanks therein so as to read "the first Monday of January, Anno Domini eighteen hundred and ninety-nine."

Amendment adopted.

Also: Amend by striking out Section 15, pages 9 and 10 of the printed bill, and renumber Section "16" so as to make it read Section "15."

Amendment adopted.

Senate Constitutional Amendment No. 38 ordered to print.

Senate Constitutional Amendment No. 27—Proposing an amendment to Section 9, Article I, relating to declaration of rights.

Senator Prisk asked unanimous consent to withdraw Senate Constitutional Amendment No. 27 and substitute therefor on file Senate Constitutional Amendment No. 43—A resolution proposing to the people of the State of California an amendment to Section 1 of Article VI of the Constitution, in relation to the judicial department.

Consent granted.

Senate Constitutional Amendment No. 27 withdrawn, ordered stricken from the file, and Senate Constitutional Amendment No. 43 substituted therefor on file.

Senate Constitutional Amendment No. 18 read, as follows:

SENATE CONSTITUTIONAL AMENDMENT No. 18.

A resolution to propose to the people of the State of California an amendment to the Constitution, by adding to Article XX thereof a new section, to be known as "Section 21," relating to dividing the State into fish and game districts.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that the Constitution be amended by adding to article twenty thereof a new section, to be known as section twenty-one, and to read as follows:

Section 21. The Legislature may provide for the division of the State into fish and game districts, and may enact laws for the protection of fish and game therein applicable to each district.

The roll was called, and Senate Constitutional Amendment No. 18 adopted by the following vote:

AYES—Senators Aram, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—27.
NOES—None.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Braunhart, Bulla, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Gleaves, Hall, Holloway, Jones, Langford, La Rue, Luchsinger, Morehouse, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

Quorum present.

LEAVE OF ABSENCE.

Senator Gillette was granted a leave of absence for the day, as requested by Senator Luchsinger.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes p. m.)

Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature, at its thirty-third session, the result of such investigation, and making an appropriation for the expenses of such commission.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 875, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 875 finally passed by the following vote:

AYES—Senators Beard, Braunhart, Bulla, Denison, Dickinson, Dwyer, Feeney, Franck, Gleaves, Hall, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Seawell, Shippee, Simpson, Stratton, Toner, Trout, and Withington—23.

NOES—Senator Holloway—1.

Title read and approved.

Assembly Bill No. 361—An Act entitled an Act to amend the Political Code by adding a new section, requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Assembly Bill No. 361 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Franck, Gleaves, Hall, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Seawell, Shippee, Simpson, Stratton, Toner, Trout, and Withington—24.

NOES—Senator Holloway—1.

Title read and approved.

WITHDRAWAL OF BILL.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 366—An Act entitled "An Act to amend the Political Code by adding a new section, requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property"—it being identical with Assembly Bill No. 361 on file.

Consent granted.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 66—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws.

The bill having been read third time on a previous day, and the

Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Assembly Bill No. 66 finally passed by the following vote:

AYES—Senators Beard, Boyce, Bulla, Denison, Dickinson, Dwyer, Flint, Franck, Gleaves, Holloway, Jones, Langford, Luchsinger, Morehouse, Seawell, Shine, Shippee, Simpson, Toner, Trout, and Withington—21.

NOES—Senators Braunhart and Stratton—2.

Title read and approved.

Assembly Bill No. 144—An Act to secure the payment of the claims of materialmen, mechanics, or laborers employed by contractors upon State, municipal, or other public work.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 144, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 144 finally passed by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Holloway, Jones, La Rue, Morehouse, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Withington—24.

NOES—None

Title read and approved.

Assembly Bill No. 860—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 860, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 860 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Holloway, La Rue, Luchsinger, Morehouse, Shine, Shippee, Simpson, Toner, and Trout—22.

NOES—Senators Braunhart, Stratton, and Withington—3.

Title read and approved.

Assembly Bill No. 510—An Act to improve Salt River, Humboldt County, from the junction thereof with Eel River to Port Kenyon, by removing therefrom bars and other obstructions to navigation, and to appropriate the sum of \$10,000 for that purpose.

Bill passed on file, but to retain its place.

Assembly Bill No. 431—An Act to amend Section 3641 of the Political Code, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Bill passed on file, but to retain its place.

Assembly Bill No. 187—An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School at Los Angeles, California.

Senator Bulla asked unanimous consent to withdraw Assembly Bill No. 187, and substitute therefor on file Assembly Bill No. 151—An Act to provide the mode of changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California.

Consent granted.

Assembly Bill No. 187 withdrawn, ordered stricken from the file. and Assembly Bill No. 151 substituted therefor on file.

Assembly Bill No. 151—An Act to provide the mode of changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out of Section 17, line 14, the word "taxes," and inserting in lieu thereof the word "assessment."

Amendment adopted.

Also: Amend by striking out of Section 18, line 22, the words "thirty per cent," and inserting in lieu thereof the words "one per cent per month."

Amendment adopted.

Also: Amend by striking out of Section 19, line 5, the words "thirty per cent," and inserting in lieu thereof the words "one per cent per month."

Amendment adopted.

Also: Amend by inserting in Section 22, line 4, the word "in" after the word "when," and before the word "the."

Amendment adopted.

Bill read second time and ordered to print.

At three o'clock P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Assembly Bill No. 63—An Act to amend an Act approved March 26, 1893, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State."

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Rules and Revisions have had under consideration Assembly Bill No. 63, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions, except as follows: Commencing with the word "*provided*," in line 27 of Section 10, up to and including the word "fund," in line 31 of said section; also, subdivision 2 of Section 12, being lines 32 to 35 inclusive.

WITHINGTON, for the Committee.

On motion of Senator Simpson, Senator Boyce was appointed a special committee of one to amend as follows:

Amend by inserting the word "such" in line 4, Section 12, between the words "upon" and "public."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 63, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYCE, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to reprint.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 17, 1897. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 14—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 33—An Act for the certification of land titles, and the simplification of the transfer of real estate.

Also: Senate Bill No. 290—An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building, on the north side of the State Normal grounds at San José, between Sixth and Seventh streets in said city.

JAMES H. BUDD, Governor.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 538—An Act to amend Sections 2569, 2570, 2571, and 2572 of the Political Code of the State of California, and to add six new sections thereto, to be numbered 2573, 2574, 2574a, 2574b, 2574c, and 2574d, relating to the Board of Harbor Commissioners for the Port of Eureka, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Assembly Bill No. 892—An Act to amend an Act to provide a system of drainage for agricultural swamp and overflowed lands, approved March 3, 1881, by amending Section 9 thereof.

Bill read third time.

On motion of Senator Jones, Senator Langford was appointed a special committee of one to amend as follows:

Amend by striking out of Section 1, line 1, the words "said Act," and inserting in lieu thereof the following: "An Act to amend an Act entitled 'An Act to provide a system of drainage for agricultural swamp and overflowed lands,' approved March 3, 1881, by amending Section 9 thereof."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 892, with instructions to amend, respectfully reports the same back, amended as per instructions.

LANGFORD, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to reprint.

Assembly Bill No. 636—An Act to provide for the preparation of an index of the Journals and Appendices of the Senate and Assembly of the State of California, and directing the Trustees of the California State Library to pay for the same out of the fund for the support of the California State Library.

Bill read third time, and passed on file.

Assembly Bill No. 445—An Act relating to the authorization and

employment of a draftsman by Recorders in counties and cities and counties of the first class.

Senator Dickinson moved that Assembly Bill No. 445 be denied third reading.

The question being, "Shall the bill be read third time?"

The roll was called, and Assembly Bill No. 445 refused third reading by the following vote:

AYES—None.

NOES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Holloway, Jones, Langford, La Rue, Luchsinger, Prisk, Seawell, Shine, Simpson, Trout, Withington, and Wolfe—22.

Assembly Bill No. 132—An Act to authorize the erection of a sewage pumping-plant at the Folsom State Prison, and making an appropriation therefor.

Bill passed on file, but to retain its place.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT OUT OF ORDER.

Senate Constitutional Amendment No. 39—Relative to the judicial department.

The following amendments were submitted:

By Senator Aram:

Amend by striking out of Section 2, line 3, the words "at the time of the adoption," and inserting in lieu thereof the following: "or who shall have been elected at the time of the taking effect."

Amendment adopted.

Also: Strike out all of lines 6, 7, and 8 and the word "abolished," in line 9 of Section 2, printed bill.

Amendment adopted.

Also: Strike out of Section 12 all of lines 9, 10, 11, 12, 13, 14, 15, 16, 17, to and including the words "disposed of," on line 18 of printed bill.

Amendment adopted.

By the committee:

Amend on page 1 of the printed bill by filling out the blanks therein, so as to read "the first Monday of January, Anno Domini eighteen hundred and ninety-nine."

Amendment adopted.

Also: Amend by inserting in line 15, Section 10, page 5, of the printed bill, after the word "thereof," the following: "and the writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus shall be issued in such cases and under such rules as the Legislature may prescribe."

Amendment adopted.

Also: Amend by striking out of line 13, Section 12, page 6, of the printed bill, the words "disposed of," and inserting in lieu thereof the word "decided."

Amendment adopted.

Also: Amend by striking out of line 13, Section 12, page 6, of the printed bill, the words "disposed of," and inserting in lieu thereof the word "decided."

Amendment adopted.

Also: Amend by inserting in line 4, Section 13, page 6, of the printed bill, after the word "counties," the words "and cities and counties."

Amendment adopted.

Also: Amend by striking out of line 25, page 8, Section 14, of the printed bill, the word "removed," and inserting in lieu thereof the word "changed."

Amendment adopted.

Also: Amend by striking out of line 30, Section 19, page 10, of the printed bill, after the word "amendments," the phrase commencing with the words "the Supreme Court" and ending with the word "or" in line 35 of said section, and inserting in lieu thereof the following: "The Justices of the District Courts of Appeal shall be appointed by the Governor, and possess the qualifications provided in Section 21 of this article, and not more than two Justices in any one District Court of Appeal shall be appointed from the same political party, and the Justice so."

Amendment adopted.

Also: Amend by striking out of line 23, Section 20, page 11, of the printed bill, the word "reporter," and inserting in lieu thereof the word "reporters."

Amendment adopted.

Senate Constitutional Amendment No. 39 ordered to print.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

JONES, Chairman.

Senate Bill No. 453 ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Wolfe moved a reconsideration of the vote whereby Assembly Bill No. 320 was on a previous day refused final passage.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Beard, Braunhart, Chapman, Doty, Jones, Langford, La Rue, Luchsinger, Prisk, Seawell, Smith, Stratton, and Wolfe—13.

NOES—Senators Aram, Bulla, Denison, Dickinson, Feeney, Franck, Gleaves, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Trout, Voorheis, and Withington—16.

MOTION.

Senator Simpson moved that Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles—be taken up for consideration.

So ordered.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its passage.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Senators Beard, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Franck, Gleaves, Langford, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Simpson, Smith, Trout, Voorheis, Withington, and Wolfe—22.

NOES—Senator Holloway—1.

Title read and approved.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Morehouse asked unanimous consent to have Substitute for Senate Bill No. 166 taken up and considered.

So ordered.

Substitute for Senate Bill No. 166—An Act to amend an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such insurance.

Bill read third time.

The roll was called, and Substitute for Senate Bill No. 166 refused passage by the following vote:

AYES—Senators Aram, Chapman, Dickinson, Dwyer, Franck, Gleaves, Holloway, La Rue, Mahoney, Morehouse, Pedlar, Seawell, Shine, and Shippee—14.

NOES—Senators Beard, Braunhart, Bulla, Denison, Doty, Jones, Luchsinger, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Braunhart gave notice that on next legislative day he would move a reconsideration of the vote whereby Substitute for Senate Bill No. 166 was this day refused passage.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 132—An Act to authorize the erection of a sewage pumping-plant at the Folsom State Prison, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Assembly Bill No. 180—An Act to amend Sections 338, 339, and 341 of the Penal Code, and add two new sections thereto, to be known and designated as Sections 344 and 345, relating to pawnbrokers.

Bill passed on file, but to retain its place.

Assembly Bill No. 370—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Bill passed on file.

Assembly Bill No. 303—An Act to authorize the Board of Fish Commissioners to purchase or construct a gasoline launch, to aid in carrying out the purposes of said board, and appropriating money therefor.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 15, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 303, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, and contains no unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 303 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Holloway, Jones, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—24.

NOES—Senator Bulla—1.

Title read and approved.

Senator Bulla moved that Assembly Bill No. 739—An Act to amend Section 199 of the Code of Civil Procedure, relative to the disqualification of jurors—and Assembly Bill No. 867—An Act to amend Section 647 of the Penal Code of California—be denied second reading.

The question being, "Shall the bills be read second time?"

The roll was called, and they were denied second reading by the following vote:

AYES—Senators Dwyer, Pedlar, and Shine—3.

NOES—Senators Aram, Beard, Braunnhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Holloway, Langford, La Rue, Luchsinger, Seawell, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—23.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Simpson moved a reconsideration of the vote whereby Substitute for Senate Bill No. 91 was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Beard, Braunnhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Holloway, Jones, Langford, Mahoney, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—24.

NOES—None.

Substitute for Senate Bill No. 91—An Act to pay the claim of J. E. Atkinson against the State of California, and making an appropriation therefor.

The roll was called, and Substitute for Senate Bill No. 91 refused passage by the following vote:

AYES—Senators Beard, Boyce, Braunnhart, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Jones, Langford, Mahoney, Morehouse, Shine, Shippee, and Simpson—16.

NOES—Senators Bulla, Flint, Gleaves, Holloway, La Rue, Luchsinger, Smith, Stratton, Trout, and Withington—10.

RECESS.

At four o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Boyce, Braunnhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed:

Senate Bill No. 468—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

JONES, Chairman.

Senate Bill No. 468 ordered on file for third reading.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 362—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Bill read third time.

The roll was called, and Assembly Bill No. 362 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Franck, Gillette, Gleaves, Holloway, Langford, La Rue, Luchsinger, Mahoney, Seawell, Shippee, Simpson, Stratton, and Trout—22.

NOES—None.

Title read and approved.

Senate Bill No. 468—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

Bill read third time.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Chapman, Denison, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Seawell, Shippee, Stratton, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Senate Bill No. 31—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building, in San Francisco, and making an appropriation therefor.

Senator Dickinson moved that Senate Bill No. 31 be denied second reading.

The question being, "Shall the bill be read second time?"

The roll was called, and Senate Bill No. 31 granted second reading by the following vote:

AYES—Senators Aram, Braunhart, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, La Rue, Mahoney, Seawell, Stratton, Toner, and Wolfe—16.

NOES—Senators Beard, Bulla, Denison, Dickinson, Jones, Trout, and Voorheis—7.

Bill read second and third times.

The roll was called, and Senate Bill No. 31 refused passage by the following vote:

AYES—Senators Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Luchsinger, Mahoney, Stratton, Toner, Withington, and Wolfe—12.

NOES—Senators Beard, Braunhart, Bulla, Denison, Dickinson, Flint, Gillette, Holloway, Jones, La Rue, Simpson, Trout, and Voorheis—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Braunhart gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 31 was this day refused passage.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 243—An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894.

Bill read third time.

The roll was called, and Assembly Bill No. 243 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Holloway, Jones, Luchsinger, Mahoney, Seawell, Shippee, Simpson, Stratton, Toner, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 484—An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence.

Also: Senate Bill No. 574—An Act amending Section 534 of the Political Code, relating to Superintendent of State Printing.

And presented the same to the Governor on this day, at eleven o'clock and fifty minutes A. M.

Also: Senate Bill No. 542—An Act to provide for the construction of a free wagon road from the Mono Lake basin to connect with a road called "Tioga Road," at or near the Tioga Mine.

Also: Senate Bill No. 696—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities.

Also: Senate Bill No. 119—An Act to appropriate \$110,000 for the erection of an administration building for the use and occupancy of the officers, employés, and patients of the Mendocino Asylum; to purchase furniture and furnish same.

Also: Senate Bill No. 422—An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2094, 2099, and 2105, of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California.

Also: Senate Bill No. 372—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Also: Senate Bill No. 370—An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations.

Also: Senate Bill No. 443—An Act to amend Section 758 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Substitute for Senate Bills Nos. 341, 343, 342, and 564—An Act to provide for certain improvements at the Preston School of Industry, Ione, and to make an appropriation therefor.

And presented the same to the Governor on this day, at three o'clock and fifty minutes P. M.

JONES, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 376—An Act to appropriate money for the erection of additional buildings at the Preston School of Industry, at Ione, and for furnishing and equipping the same.

Also: Assembly Bill No. 538—An Act to amend Sections 2569, 2570, 2571, and 2572 of the Political Code of the State of California, and to add six new sections thereto, to be numbered 2573, 2574, 2574a, 2574b, 2574c, and 2574d, relating to the Board of Harbor Commissioners for the Port of Eureka, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 932—An Act making an appropriation to pay the claim of Charles W. Metcalf against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 132—An Act to authorize the erection of a sewage pumping-plant at the Folsom State Prison, and making an appropriation therefor.

Also: Assembly Bill No. 242—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 54—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 302—An Act making an appropriation to pay the claim of John F. Kidder, for traveling expenses from August 15, 1893, to December 21, 1896, inclusive.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

VOORHEIS, Chairman.

Assembly Bills Nos. 376, 538, 932, 132, and 242 ordered on file for second reading.

Senate Bills Nos. 54 and 302 withdrawn, and ordered stricken from the file.

LEAVE OF ABSENCE.

Senator Morehouse was granted a leave of absence for the evening, as requested by Senator Gillette.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Bill read third time.

The roll was called, and Assembly Bill No. 160 finally passed by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Mahoney, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—25.

NOES—Senator Bulla—1.

Title read and approved.

Assembly Bill No. 15—An Act to appropriate \$1,535 25 to pay the claim of W. W. Foote and Garrett W. McEnerney for legal services rendered and expenses incurred by them in that certain action commenced in and decided by the Supreme Court of the State of California, and which was therein entitled "The People of the State of California, on relation of John C. Lynch, petitioner, vs. James H. Budd, respondent," and numbered S. F. No. 600.

Bill read second and third times.

The roll was called, and Assembly Bill No. 15 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Shippee, Simpson, Stratton, Toner, Withington, and Wolfe—27.

NOES—Senator Trout—1.

Title read and approved.

Assembly Bill No. 121—An Act to create and regulate in any city or city and county in this State public warehouses, other than warehouses for the storage of grain or wool, and to enforce warehouse liens.

During the second reading of the bill the following amendments were submitted by Senator Flint:

Amend by striking out of Section 2, line 20, the word "the," in engrossed bill, and inserting in lieu thereof the following: "a."

Also: Amend by striking out of Section 3, line 10, the word "a," in engrossed bill, and inserting in lieu thereof the following: "as."

Also: Amend by striking out of Section 3, line 49, the word "a," in engrossed bill, and inserting in lieu thereof the following: "the."

Also: Amend by striking out of Section 3, line 49, the word "is," in engrossed bill, and inserting in lieu thereof the following: "was."

Also: Amend by striking out of Section 4, line 7, at end of line, the words "that may be," in engrossed bill, and inserting in lieu thereof the following: "previously."

Amendments adopted.

Bill read second time, and ordered to print.

CONSIDERATION OF BILL OUT OF ORDER.

On motion of Senator Dickinson, Assembly Bill No. 340 was taken up.

Assembly Bill No. 340—An Act making an appropriation to pay the claim of Clement Bennett for reporting in the case of The Southern Pacific Company vs. The Board of Railroad Commissioners.

During the second reading of the bill, the following amendment was submitted by Senator Dickinson:

Amend by inserting enacting clause, viz.: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, and ordered to print.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 521—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert.

Bill read second and third times.

The roll was called, and Assembly Bill No. 521 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Seawell, Simpson, Toner, Trout, Voorheis, and Wolfe—25.

NOES—Senator Bulla—1.

Title read and approved.

Senate Bill No. 712—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable."

Senator Gleaves asked unanimous consent to withdraw Senate Bill No. 712 and substitute therefor on file Senate Constitutional Amendment No. 44—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 5½, Article VI, thereby providing for the organization of a court to be known as the Court of Claims.

Consent granted.

Senate Bill No. 712 withdrawn, ordered stricken from the file, and Senate Constitutional Amendment No. 44 substituted therefor on file and considered.

During the reading of Senate Constitutional Amendment No. 44 the following amendment was submitted by Senator Gillette:

Amend by inserting after the word "State," in line 6, the following words: "under such laws as may be passed by the Legislature."

Amendment adopted.

Senate Constitutional Amendment No. 44 ordered to print.

Assembly Bill No. 229—An Act making an appropriation to pay the claim of Sarah H. Wing, for the killing of her husband, O. H. Wing.

Bill read second and third times.

The roll was called, and Assembly Bill No. 229 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Stratton, Trout, and Wolfe—24.

NOES—Senator Bulla—1.

Title read and approved.

Assembly Bill No. 384—An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires and of saving property and human life from conflagration," approved April 1, 1876.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 581—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Bill passed on file, but to retain its place.

Assembly Bill No. 529—An Act to amend an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Bill read second and third times.

The roll was called, and Assembly Bill No. 529 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Senate Bill No. 510—An Act empowering the Board of Supervisors in each county of this State to correct any error made on the assessment of any property.

During the second reading of the bill, the following amendments were submitted by Senator Jones:

Amend by striking out of enacting clause the word "the," before "Senate"; also, add "Section 1" to first line of printed bill.

Amendments adopted.

Also: Amend by striking out of lines 4 and 5 all after the word "discovered," and omit the word "that" in first line of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 17, 1897. }

To the honorable Senate of the State of California:

I return herewith Senate Bill No. 118 without my approval and with my objections thereto, viz.: I deem said expenditure at this time unnecessary.

JAMES H. BUDD, Governor.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, having visited the State prisons situate respectively at San Quentin and at Folsom, respectfully report as follows:

Your committee visited the State prison at San Quentin on Monday, February 22d. Our inspection of the grounds and buildings was as thorough as time would permit, and we congratulate the officers of that institution for the care displayed in the performance of their duties.

Our next visit was to the State prison at Folsom, on Saturday, February 27th.

We have taken the last annual report of the State Board of Prison Directors, and, with information obtained by our own investigation, compared the present condition of the prison at Folsom and its management with the condition of affairs as shown to exist by the reports of former years, and we find a result complimentary to the management and advantageous to the State of California, not only from a financial standpoint, but in the general welfare of the prison, and in the progress made in the conduct of a penological institution.

We find Warden Aull to be deserving of great credit in the management of the prison, and the carrying out of the trust reposed in him by law. He is fully conversant with his duties, and was able to give to your committee full and intelligent information regarding the requirements of the prison, as likewise to afford us an opportunity to make a full and complete investigation.

The captains of the yard, guards, commissary, physician, and other officers of the prison at Folsom we also commend for the conscientious and thorough manner in which they have performed their respective duties.

MAHONEY, Chairman.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 327—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs by transportation companies in the State of California, and fixing a penalty for failure to comply therewith.

Bill read second time.

Senator Dickinson moved that Assembly Bill No. 327 be denied third reading.

The question being, "Shall the bill be read third time?"

The roll was called, and the bill ordered to third reading by the following vote:

AYES—Senators Beard, Boyce, Brauhart, Bulla, Chapman, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—24.

NOES—Senators Aram, Denison, Dickinson, Mahoney, and Simpson—5.

Assembly Bill No. 327 read third time.

On motion of Senator Pedlar, Senator Dickinson was appointed a special committee of one to amend as follows:

Strike out of line 4, Section 1, the words "It shall be the duty of."

Also: Strike out of line 6, Section 1, the words "to designate location," and insert before the word "and," in line 6, the following: "may, after a full hearing of the matter, locate."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 327, with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to reprint.

RESOLUTION.

Senator Flint offered the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of legislative business of the thirty-second session, embracing a history of bills introduced, their authors, the number that have become laws, those that have been read, the second readings, and all other information that will create a perfect guide and history of the session's business.

Together with this shall be the expenses of the Senate and the Assembly, and of printing, such information being prepared not only for the public, but as a guide for the thirty-third session of the Legislature.

For the purpose of carrying out this work the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon; \$50 of which is to pay for postage and expressage in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

WITHDRAWAL OF BILL FROM SPECIAL URGENCY FILE.

Senate Bill No. 418—An Act to appropriate money for the support of aged persons in indigent circumstances.

Senator Stratton asked unanimous consent to withdraw Senate Bill No. 418 from the special urgency file and have it placed on the general file.

Consent granted, and Senate Bill No. 418 withdrawn from the special urgency file and ordered on the general file.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 796—An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the payment of such bonds.

During the second reading of bill, the following amendments were submitted:

By Senator Withington:

Amend by striking out of Section 4, line 25, the words "a majority" and inserting "two thirds"; also, in line 27 strike out words "a majority" and insert in lieu thereof the following: "more than one third."

Amendments adopted.

Also: Amend by striking out on page 4, Section 6, lines 20 and 21, the words "in the manner and within the time herein provided," and in lieu thereof inserting "within three months from the time of taking such appeal."

Amendment adopted.

By the committee:

Amend by striking out of Section 5, line 1, the words "may at any time," and inserting the following: "shall within thirty days."

Amendment adopted.

Also: Amend by striking out of Section 5, line 11, the word "ten," and inserting the following: "thirty."

Amendment adopted.

Also: Amend by striking out of Section 5, line 13, the word "ten," and inserting the following: "thirty."

Amendment adopted.

Also: Amend by striking out of Section 5, line 18, the word "rendition," and inserting the following: "entry."

Also: Amend by inserting in Section 6, line 17, after the word "action," the words "and thereafter the same proceedings shall be had in such action as are hereinbefore provided for in the preceding section hereof in actions brought by the board of directors, and the same matters determined and adjudicated by the court therein."

Amendments adopted.

Also: Amend by inserting in Section 6, line 16, after the words "assessment-payer," the words "or any one interested."

Amendment adopted.

Also: Amend by inserting in Section 6, line 16, before the word "any," "Notice of said action shall be given by publication of summons therein, in the same manner and for the same time as required in the preceding section hereof in actions brought by the board, and at any time within thirty days after the full publication of such summons, in the manner herein provided."

Amendment adopted.

Also: Amend by striking out of Section 6, line 2, the words "within thirty days," and inserting the following: "after thirty days and within ninety days."

Amendment adopted.

Also: Amend by inserting in Section 5, line 14, after the word "bonds," the words "and may in the same action or proceeding contest the validity of any bonds, coupons, or other evidences of indebtedness, referred to in the petition for funding and proposed to be funded, and if any such bonds, coupons, or evidences of indebtedness be shown to be invalid, then the same shall only be funded for the amount of such proportion thereof as equals the fair and reasonable value of whatever the district may have received in consideration therefor, together with unpaid interest thereon, and the amount of such proportion shall be determined and adjudicated by the court in said action or proceeding."

Amendment adopted.

Also: Amend by inserting in Section 16, line 9, after the word "exchanged," the words "and provided further, that no bonds shall be so exchanged, except in accordance with the judgment of the Superior Court in the action hereinbefore provided for, or until after final judgment shall have been entered in said action."

Amendment adopted.

Also: Amend by striking out of Section 9, line 8, the word "the," and all of lines 9, 10, and 11.

Amendment adopted.

Also: Amend by striking out of Section 14, line 25, the word "generally."

Amendment adopted.

Also: Amend by inserting in Section 15, line 5, after the word "bond," the words "and shall have no power to deliver the same in exchange for any bonds or indebtedness proposed to be funded until the bonds or evidences of indebtedness proposed to be funded shall have been surrendered to him and he shall have been ordered by the board of directors of the district, by an order duly entered in their records, to make such delivery."

Amendment adopted.

Also: Amend by inserting in Section 16, line 8, after the word "par," the words "and accrued interest."

Amendment adopted.

Also: Amend by inserting in Section 16, line 2, after the word "value," the words "including accrued interest."

Amendment adopted.

Also: Amend by striking out of Section 18, lines 3 and 4, the words "in the same manner as any bonds regularly issued and sold under existing laws."

Amendment adopted.

Also: Amend by striking out of Section 18, line 2, the words "shall have the same force and effect and."

Amendment adopted.

Also: Amend by inserting in Section 14, line 19, after the word "value," the words "including accrued interest."

Amendment adopted.

Bill ordered to print.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Withington, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 14—Relative to the consideration of bills by the different houses of the Legislature.

S. J. DUCKWORTH, Chief Clerk.

Senator Bulla moved the adoption of Assembly Concurrent Resolution No. 14.

Assembly Concurrent Resolution No. 14 read, as follows:

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Resolved by the Assembly, the Senate concurring. That after twelve o'clock and thirty minutes P. M., Thursday, March 18th, only Senate bills shall be considered by the Assembly, and only Assembly bills by the Senate, except the General Appropriation Bill, the County Government Act, the Tax Levy Bill, the General Fee Bill, and Road bills.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Aram, Beard, Brauhart, Bulla, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Toner, Withington, and Wolfe—24.

NOES—Senators Chapman and Trout—2.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in the Senate amendments to Assembly Bill No. 902 (Substitute

for Assembly Bill No. 673)—An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

Also: Assembly Bill No. 903 (Substitute for Assembly Bill No. 650)—An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith.

Also: Assembly Bill No. 904 (Substitute for Assembly Bill No. 674)—An Act to provide for the classification of the roads in the State of California.

Also: Assembly Bill No. 632—An Act to provide for the organization and management of county fire insurance companies.

Also: Assembly Bill No. 977—An Act to amend Section 170 of the Code of Civil Procedure.

Also: Assembly Bill No. 694—An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations for the purpose of making, improving, and repairing roads.

Also: Assembly Bill No. 859—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water-courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Board of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Also: Assembly Bill No. 876—An Act to regulate the business of commission merchants, agents, factors, or brokers dealing in farm produce, grain, fruit, seeds, honey, or dairy produce.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 16th day of March passed Assembly Bill No. 654—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees, or supervisors in counties, cities, cities and counties, or towns.

S. J. DUCKWORTH, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 499—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add two new sections to said Act, to be known as Sections 20 and 21.

Also: Senate Bill No. 56—An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor.

Also: Substitute for Senate Bill No. 321—An Act to establish the Polytechnic Institute of California, in San Luis Obispo County, California, and making an appropriation therefor.

Also: Senate Bill No. 386 (Substitute for Assembly Bill No. 408)—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Also: Amended, and passed as amended, Senate Bill No. 430—An Act for the relief of W. C. Guirey.

Also: Passed Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Also: Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

Also: Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

Also: Assembly Bill No. 735—An Act making an appropriation to pay the claim of Charles Nelson, arising upon a judgment recovered by said Nelson against the State of California, in the Superior Court of the City and County of San Francisco, on May 27, 1896.

Also: Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Also: Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Also: Assembly Bill No. 717—An Act to provide for the payment of the claim of George H. Tay Company, for the deficiency in the contract price for heating and ventilating the State Normal School building at San José, State of California.

Also: Assembly Bill No. 958—An Act to repay and reimburse John C. Pelton for money expended and for services rendered in establishing the first free public school in the State of California.

S. J. DUCKWORTH, Chief Clerk.

Senate Bills Nos. 386, 697, 48, 205, 642, 643, 56, and 321 ordered to enrollment.

Assembly Bills Nos. 735, 717, 958, 654, and 499 read first time, and ordered on file for second reading.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 430.

ASSEMBLY AMENDMENT.

Amend by striking out of Section 1, line 2, the word "apportioned," and inserting the following: "appropriated."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 430?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Beard, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gillette, Hall, Jones, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Withington—23.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 430 ordered to enrollment.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 62—An Act making an appropriation to pay the claim of Thomas Hatch.

Bill read second and third times.

The roll was called, and Assembly Bill No. 62 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Jones, La Rue, Luchsinger, Mahoney, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—27.

NOES—None.

Title read and approved.

ADJOURNMENT.

At ten o'clock and fifty-five minutes P. M., on motion of Senator Bulla, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 18, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 16, 1897, was approved.

COMMUNICATION.

The following communication was received, read, and ordered printed in the Journal:

SAN FRANCISCO, March 17, 1897.

His Honor WILLIAM T. JETER, Lieutenant-Governor of California:

Yourself and the members of the Senate are respectfully invited by the Board of Regents to attend the ceremonies of the laying of the cornerstone of the buildings of the affiliated colleges of the University of California, at San Francisco, on March 27th, at two o'clock P. M.

Very respectfully,

CHARLES W. SLACK,
For the Board of Regents.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Braunhart moved a reconsideration of the vote whereby Senate Bill No. 31 was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bert, Braunhart, Doty, Feeney, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shine, Stratton, Toner, Withington, and Wolfe—21.

NOES—Senators Androus, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Gillette, Trout, and Voorheis—10.

Senate Bill No. 31—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building in San Francisco, and making an appropriation therefor.

The question recurring on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Senators Bert, Braunhart, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Holloway, Langford, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Toner, Withington, and Wolfe—23.

NOES—Senators Androus, Aram, Beard, Boyce, Bulla, Denison, Gillette, Jones, La Rue, Linder, Simpson, Trout, and Voorheis—13.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Simpson offered the following resolution:

WHEREAS, Jack Terrill, as Gatekeeper at the middle entrance of the Senate Chamber, has been faithful and efficient in the performance of his duties, and believing the present per diem of \$3 as insufficient compensation for the services rendered; therefore, be it

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of Jack Terrill in a sum, the aggregate by an additional per diem of \$1, computed from the first day of the session up to and including the last; that the same be paid from the Contingent Fund of the Senate.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

GENERAL FILE—BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT, INCLUDING DEFICIENCY BILLS.

Assembly Bill No. 984—An Act making an appropriation to pay for the expenses incurred by Assembly Concurrent Resolution No. 6, appointing a joint committee of the Senate and Assembly to investigate the affairs of the State Printing Office.

The bill having been read third time on a previous day, and the Committee on Rules and Revision having reported favorably, the question was on its final passage.

The roll was called, and Assembly Bill No. 984 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Seawell, Shine, Shippee, Stratton, Toner, Trout, Voorheis, and Wolfe—25.

NOES—None.

Title read and approved.

SENATE BILLS PROVIDING FOR THE PAYMENT OF CLAIMS AGAINST THE STATE.

Senate Bill No. 222—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Senator Voorheis asked unanimous consent to withdraw Senate Bill No. 222, and substitute therefor on file Assembly Bill No. 241—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins—it being identical with Senate Bill No. 222.

Consent granted.

Senate Bill No. 222 withdrawn, ordered stricken from the file, and Assembly Bill No. 241 substituted therefor on file.

Senator Holloway moved to commit to a special committee of one to amend as follows:

Amend by striking out of Section 1, lines 1 and 2, the words "eleven hundred and two dollars and eight cents," and inserting in lieu thereof the following: "seven hundred dollars, to be paid proportionately to the several claimants."

AYES AND NOES.

On the motion to commit, the ayes and noes were demanded by Senators Holloway, Chapman, and Henderson.

The roll was called, and the motion to commit lost by the following vote:

AYES—Senators Gillette, Holloway, Jones, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Stratton, Trout, and Voorheis—11.

NOES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Gleaves, Henderson, Linder, Mahoney, Prisk, Seawell, Simpson, Toner, and Wolfe—21.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL OF BILL FROM ENROLLMENT.

Senator Holloway moved that Senate Bill No. 77 be recalled from enrollment for correction.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—29.

NOES—None.

SUSPENSION OF RULES FOR INTRODUCTION OF BILL.

Senator Voorheis moved that the rules be suspended, and that he be allowed to introduce a bill.

The roll was called, and the rules were suspended by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—30.

NOES—None.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read first time, and ordered on file for second reading, without reference to committee:

By Senator Voorheis: Senate Bill No. 733—An Act making an appropriation to pay the printing expenses of the thirty-second session of the Legislature.

RESOLUTIONS—(OUT OF ORDER).

Senator Boyce offered the following resolution:

Resolved, That the Minute Clerk and his assistants be and they are hereby directed and instructed to remain over at the State Capitol after the adjournment of the thirty-second session of the Legislature *sine die*, for a sufficient time to rearrange, mark, and label the original minutes of the Senate (which are required to be filed with the Secretary of State), and deliver the same, after being so rearranged, marked, and labeled, to the Secretary of State.

Resolved, That in addition to the above, they mail to each Senator and Representative, postage paid, two copies of the Senate Journal containing the proceedings of the closing day of this thirty-second session, and that they deliver to each State officer five copies of said Journal.

Resolved, That the Minute Clerk and his assistants be and they are hereby each allowed the sum of \$100 for the above work, to be done by them after the final adjournment of this body, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is hereby directed and authorized to pay the same.

By Senator Simpson:

Resolved, That H. H. Squire, Watchman of the Senate, be and he is hereby employed for one week after adjournment of the thirty-second session of the Legislature, as Watchman, at the same per diem as now received by him for similar services, payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for the same.

By Senator Gleaves:

Resolved, That Theodore A. Simpson, Journal Clerk of the Senate, and E. E. Carter and George G. Radcliff, his assistants, be and they are hereby employed after the final adjournment of the thirty-second session of the Legislature of the State of California,

for the purpose of completing the work devolving upon them as Journal Clerks of the Senate, in comparing and correcting the Journals of the Senate, and comparing and delivering the corrected and approved Journals and the five bond copies of the same (as required by law) to the Secretary of the Senate, when completed, and that they each be allowed pay for one week from and after the final adjournment of the thirty-second session of the Legislature, at the same per diem as they are now receiving, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Also: *Resolved*, That Miss Edna Cowan, Postmistress, and Miss L. Erzgraber, Assistant Postmistress, be allowed pay for one week after the final adjournment of the thirty-second session of the Legislature, for the services to be rendered in receiving and sending mail to its proper post office address, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant in favor of said parties, and the Treasurer is directed to pay the same.

Also: *Resolved*, That Robert Hanford be allowed pay for the period of seven days from and after the date of the adjournment of the thirty-second session of the Legislature, at the same per diem which he is now receiving, for services to be rendered by him in taking mail to and from the post office after such adjournment, and the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of said Robert Hanford for said seven days' pay, and the Treasurer is hereby directed to pay the same out of the fund for the contingent expenses of the Senate.

Also: *Resolved*, That the Controller be directed and authorized to draw his warrant in favor of A. D. Bowen, Assistant Secretary of the Senate, for \$50, payable out of the Contingent Fund of the Senate, in payment for extra service at the close of the session, in delivering to Secretary of State, bills, papers, and other matters that are required by law, the said sum being the same as paid the Secretary and other Assistant Secretaries, and provided for by statute.

Resolutions referred to the Committee on Attachés, Contingent Expenses, and Mileage.

BILLS MAKING APPROPRIATIONS FOR ANY STATE DEPARTMENT, INCLUDING DEFICIENCY BILLS—(RESUMED).

Assembly Bill No. 937—An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years.

The bill having been read third time on a previous day, the question was on its final passage.

The roll was called, and Assembly Bill No. 937 finally passed by the following vote:

AYES—Senators: Aram, Beard, Bert, Boyce, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Graves, Hall, Henderson, Jones, Langford, Linder, Luchsinger, Pedlar, Scawell, Shine, Shippee, Stratton, Trout, Voorheis, and Withington—27.

NOES—None.

Title read and approved.

On motion of Senator Voorheis, the Secretary was directed to immediately prepare a message informing the Assembly of the foregoing action.

SENATE BILLS PROVIDING FOR THE PAYMENT OF CLAIMS AGAINST THE STATE—(RESUMED).

Senate Bill No. 247—An Act for the relief of John Mullan, and to appropriate money therefor.

Senator Chapman asked unanimous consent to withdraw Senate Bill No. 247, and substitute therefor on file Assembly Bill No. 948—An Act for the relief of John Mullan, and to appropriate money therefor—it being identical with Senate Bill No. 247.

Consent granted.

Senate Bill No. 247 withdrawn, ordered stricken from the file, and Assembly Bill No. 948 substituted therefor on file.

Assembly Bill No. 948 read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 942—An Act to provide for the auditing and examination of the claims against the State of soldiers who served in the Indian wars in California, during the years from 1847 to 1857, to authorize the Adjutant-General to appoint a clerk for that purpose, and making an appropriation for his salary—have had the same under consideration, and respectfully report the same back without recommendation.

VOORHEIS, Chairman.

Assembly Bill No. 942 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution:

Resolved, That Senate Bills Nos. 52, 49, and 487 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—31.

NOES—None.

RECONSIDERATION.

Senator Holloway asked unanimous consent to reconsider the vote whereby the Senate concurred in Assembly amendments to Senate Bill No. 77.

Consent granted.

At eleven o'clock and twenty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

MOTION.

On motion of Senator Holloway, the Secretary was instructed to correctly amend Senate Bill No. 77 by striking from the reingrossed bill, page 1, Section 1, line 12, after the word "Act," the words "in any city," as shown by amendment adopted February 15th.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Senate Bill No. 52—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Bill read second and third times.

The roll was called, and Senate Bill No. 52 passed by the following vote:

AYES—Senators Androus, Aram, Brauhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Simpson, Toner, Trout, Voorheis, and Wolfe—25.

NOES—Senators Bert, Bulla, Stratton, and Withington—4.

Title read and approved.

Senate Bill No. 49—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Bill read second and third times.

Passed on file temporarily.

Senate Bill No. 487—An Act for the relief of J. W. Newbert, and to appropriate money therefor.

Bill read third time.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Dickinson moved a call of the Senate, at eleven o'clock and fifty minutes A. M.

The roll was called, and the following Senators answered to their names:

Senators Andrews, Aram, Beard, Bert, Braumbart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Hunt, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe.

The Secretary then announced that Senators Boyce, Dwyer, Langford, Prisk, Smith, and Withington were the only Senators absent without leave.

The President pro tem. directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At eleven o'clock and fifty-two minutes A. M., Senator Smith was brought before the bar of the Senate.

On motion of Senator Dickinson, Senator Smith was excused for absence.

On motion of Senator Dickinson, further proceedings under the call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President pro tem. then announced that Senate Bill No. 487 was passed by the following vote:

AYES—Senators Aram, Braumbart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, and Toner—23.

NOES—Senators Andrews, Bert, Bulla, Gillette, Luchsinger, Stratton, Trout, Voorheis, and Withington—9.

Title read and approved.

SENATE BILLS PROVIDING FOR THE PAYMENT OF CLAIMS AGAINST THE STATE—(RESUMED).

Senate Bill No. 439—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Bill read third time.

The roll was called, and Senate Bill No. 439 passed by the following vote:

AYES—Senators Andrews, Aram, Bert, Braumbart, Chapman, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Simpson, Toner, and Wolfe—22.

NOES—Senators Beard, Bulla, Gillette, and La Rue—4.

Title read and approved.

Senate Bill No. 502—An Act for the payment of the claim of Julius Herzog, and to appropriate money therefor.

Bill read third time.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Chapman, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Toner, Trout, and Wolfe—24.

NOES—Senators Beard, Bulla, Denison, Gillette, Holloway, and Langford—6.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Dickinson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 161—An Act to pay the claim of W. H. Donnelly against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Also: Senate Bill No. 604—An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

Also: Assembly Bill No. 890—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and to commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibilities of the parents to the counties from which their children are committed.

Also: Amended, and passed as amended, Substitute for Senate Bill No. 689—An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Also: Amended, and passed as amended, Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bills Nos. 161 and 890 read first time, and ordered on file for second reading, without reference to committee.

Senate Bills Nos. 389 and 604 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SUBSTITUTE FOR SENATE BILL No. 689.

ASSEMBLY AMENDMENTS.

Strike out of line 12, Section 1, all after the word "qualified," and insert the following: "for the duties of Horticultural Commissioner. Upon the petition of twenty-five resident freeholders and possessors of an orchard, the Board of Supervisors may remove any of said commissioners for cause, after a hearing of the petition."

Also: Strike out of lines 7 and 8, Section 3, after the word "thereof," the words "and they shall act subordinately to the same."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Substitute for Senate Bill No. 689?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Shippee, Stratton, Toner, Trout, and Withington—27.

NOES—None.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 507.

ASSEMBLY AMENDMENTS.

Amend by striking out all of Section 3, commencing with the word "appropriate," on line 6, and ending with the word "purposes," on line 12, and insert in lieu thereof the following: "The Harbor Commissioners shall construct car tracks to connect the docks and piers so set apart for the free public market with the belt railroad."

Also: Amend by striking out of Section 3, line 8, the words "the cars of all lines bringing perishable products into the city," and inserting the following: "all cars of all lines, loaded with perishable products."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 507?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Pedlar, Prisk, Smith, Stratton, Toner, Trout, Wittington, and Wolfe—30.

NOES—None.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 49—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor—from the special urgency file, and substitute therefor on file Assembly Bill No. 161—An Act to pay the claim of W. H. Donnelly against the State of California, and making an appropriation therefor.

Consent granted.

Senate Bill No. 49 withdrawn, ordered stricken from the file, and Assembly Bill No. 161 substituted therefor on the special urgency file.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SACRAMENTO, CAL., March 18, 1897.

MR. PRESIDENT: Your committee appointed by resolution of the Senate, passed on the 1st day of March, 1897, to make a full and complete investigation as to the truth of the charges and statements contained in that certain article published in the Examiner, a daily newspaper, printed and published in the City and County of San Francisco, State of California, which article was so published on the 27th day of February, 1897, and which article is headed "Bribery in Aid of Thievery," beg leave to report as follows, in addition to the report heretofore made:

That your committee has held eleven meetings; that at its first meeting, A. M. Lawrence, Esq., managing editor of the Examiner; L. L. Levings, a reporter for said paper, on duty at the State Capitol, and also Al. Murphy, Franklin Hichborn, C. H. Jessen, and L. Alexander, also reporters of said paper on duty at the State Capitol, were subpoenaed and called as witnesses, your committee deeming it a proper method of procedure to begin with those whom they believe to be responsible for the statements and charges published as aforesaid; that from the examination of these witnesses no information was elicited that throws any light upon the statements and charges mentioned, except to the effect that they had been made entirely on hearsay and idle rumor. Three of the witnesses, A. M. Lawrence, L. L. Levings, and Al. Murphy, declined to answer certain questions propounded to them by the committee, and were reported to and brought before the bar of this Senate, and two of them, to wit: A. M. Lawrence and L. L. Levings, were committed for contempt in not having answered the questions asked them, and have not yet purged themselves thereof, nor endeavored to do so. The proceedings regarding the contempt already fully appear upon the Journals of the Senate.

The managers of the Western Union Telegraph Company and of the Pacific Postal Telegraph Company appeared before your committee, in obedience to subpoenas requiring them to produce all telegrams passing to and from certain members of the Legislature and other parties, within certain dates; two of said subpoenas were issued at the request of the representatives of the Examiner, by which subpoenas they desired to have produced all telegrams, without reference to their subject-matter, which had passed during the sixty days immediately preceding the investigation by and between all of

the members of the Senate and all of the members of the Assembly who were recorded as having voted for Assembly Bill No. 273, that being the bill mentioned and referred to in the aforesaid article.

The managers of said telegraph companies appeared before your committee and objected to being required to produce the telegrams as aforesaid, because they had no authority to do so, and because it is contrary to law for them to do so; that they would produce any particular telegram or telegrams from any particular person to or from any other particular person that might be specified with such particularity as to date and subject-matter as would enable them to find a telegram or telegrams, should any exist. After consideration by your committee, your committee sustained the objection, and at various times during the examination also requested of the representatives of the Examiner, who frequently appeared before your committee, that if they would specify the name or names of any person or persons, together with the date or approximate date of the sending or receipt of any telegrams, and that such telegram had reference in any manner to Assembly Bill No. 273, the committee would require the production of such telegram or telegrams, but no further information was given. Your committee, as a consequence, had no information upon which to proceed in the matter of the investigation, as the parties who had made the charges and statements, as in said article set forth, declined to give the source or sources of their information, and we therefore concluded to, and did, examine each and every one of the forty Senators constituting this body, and the most searching questions were put to each and every one of them regarding the reasons why he had voted for or against Assembly Bill No. 273 when it was under consideration in the Senate; also, as to whether he had been influenced by any corrupt or improper motives in voting for or against the said bill; also, as to whether he had received any telegram or telegrams, letters or communications of any kind regarding the matter, and as a result we find that but one telegram was received regarding Assembly Bill No. 273, and that was the one received by the Senator from Santa Clara, which telegram is in the possession of the committee of the Assembly investigating like charges. The Senator appeared before the committee and fully explained the circumstances and the reason why he had voted as he did concerning Assembly Bill No. 273, and also the receipt of the said telegram, and his explanations were and are entirely satisfactory to your committee, and there is no reason or cause why his actions or motives concerning Assembly Bill No. 273 can be impugned or questioned as to their honesty and sincerity.

The evidence also discloses that the Senator from Tehama and Butte received a letter from Mr. Cross, one of the trustees of the Hobart estate, asking him to support Assembly Bill No. 273. Mr. Cross had long been acquainted with the Senator to whom he wrote, and the Senator fully explains the matter, and his honesty and integrity in the premises are not in the least degree impugned, or the subject, even, of adverse comment, the letter being simply a friendly communication.

Your committee find from the testimony that one of the chief reasons for the activity displayed in support of the bill, which was not unusual activity in legislation, arose from the fact that the united bar of Madera County had requested the passage of such a bill, and had caused the same to be introduced by the Senator representing their district, which bill was allowed to lapse because Assembly Bill No. 273 came into the Senate about the time the Madera bill was under consideration, and took its place. Other Senators voted for it because their personal experience appealed to them to do so, and the remainder, because they believed it to be a good bill, and many who voted against it stated that they favored the principle of the bill, but that they considered it too broad in its provisions, and that, had the amendments which were proposed, and which were as follows:

"Senator Pedlar moved that Senator Seawell be appointed a special committee of one to amend the bill as follows;

"Insert after line 23, Section 1, the following:

"Provided further, that no person shall be allowed to file more than one such affidavit as is mentioned in subdivision four of this section."

"Also: Renumber succeeding line in Section 1."

AYES AND NOES.

"The ayes and noes were demanded by Senators Seawell, Pedlar, and Bulla.

"The roll was called, and the motion to amend lost by the following vote:

"AYES—Senators Aram, Bulla, Chapman, Dickinson, Flint, Jones, La Rue, Luchsinger, Pedlar, Seawell, Stratton, and Withington—12.

"NOES—Senators Androus, Bert, Dwyer, Feeney, Gillette, Hall, Henderson, Holloway, Langford, Linder, Mahoney, Morehouse, Prisk, Shine, Simpson, Smith, Toner, Trout, Voorheis, and Wolfe—20.

"Senator Withington moved that Senator Simpson be appointed a committee of one to amend the bill as follows:

"Amend by inserting in Section 1, line 12, before the word 'that,' the words 'filed before the trial, but not more than once.'

AYES AND NOES.

"The ayes and noes were demanded by Senators Braunhart, Luchsinger, and Pedlar.

"The roll was called, and the motion to amend lost by the following vote:

"AYES—Senators Aram, Braunhart, Chapman, Denison, Dickinson, Doty, Jones, La Rue, Luchsinger, Pedlar, Seawell, Stratton, and Withington—13.

"Nones—Senators Androus, Gillette, Bert, Bulla, Dwyer, Feeney, Flint, Hall, Henderson, Holloway, Langford, Linder, Mahoney, Morehouse, Prisk, Shine, Simpson, Smith, Toner, Trout, Voorheis, and Wolfe—22."

Been adopted they would have supported the bill. And your committee is of the opinion that the entire Senate was in favor of the principle sought to be put in force by the bill, and that there was no bribery or corruption, or undue influence or attempt at bribery or corruption of any kind or description, in connection with the said bill, or with the action by any Senator thereon, and that the charges and statements made in said article in the Examiner were and are groundless and devoid of truth, in so far as bribery, attempt at bribery, corruption, attempt at corruption, or the use of undue influence in influencing the vote or conduct of any Senator connected with the said bill is concerned.

All of the witnesses who appeared before the committee were duly sworn and testified; their testimony was taken down by stenographers, has been transcribed, and is herewith filed.

Respectfully submitted.

DICKINSON,
SEAWELL,
ARAM,
Committee.

RESOLUTION—(OUT OF ORDER).

Senator Morehouse offered the following resolution and vouchers:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to pay the following bills, as per vouchers attached—total, \$32 84:

F. J. Brandon, Secretary Senate, to H. S. Crocker, Dr.:

| | |
|-----------------------------------|--------------|
| March 8—One dozen pencils..... | \$0 50 |
| February 17—One staple press..... | 1 75 |
| Staples..... | 50 |
| | <hr/> \$2 75 |

Sergeant-at-Arms, Senate, to Mrs. Alice McCulloch, Dr.:

| | |
|--|--------|
| Washing towels for Sergeant-at-Arms' room, committee rooms, and gents' toilet, from March 1st to March 20th..... | \$9 00 |
|--|--------|

Senate Chamber bought of Union Ice Company:

| | |
|---|---------|
| March 1st to 20th, 2,000 pounds of ice, @ 1c..... | \$20 00 |
|---|---------|

Assembly and Senate members of Legislature, to Southern Pacific Co., Dr.:

| | |
|---|--------|
| For transportation of merchandise from Pasadena to Miss E. P. N. Packard - Box books, \$1 59; express charges, 50c..... | \$2 09 |
|---|--------|

Sergeant-at-Arms of Senate, to Blue Cañon Water Co., Dr.:

| | |
|--|---------------|
| To furnishing Blue Cañon water for drinking purposes, from March 4, 1897, to March 20, 1897, inclusive, seventeen days, at \$3 50..... | \$59 50 |
| Less three Sundays..... | 10 50 |
| | <hr/> \$49 00 |

Resolution and vouchers referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FORESTRY, YOSEMITE VALLEY, MARIPOSA BIG TREES, AND FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on Forestry, Yosemite Valley, Mariposa Big Trees, and Fish and Game, to whom was referred Senate Bill No. 96—An Act to repeal Sections 642 and 643 of the Political Code, relating to the Fish Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

LUCHSINGER, Chairman.

Senate Bill No. 96 withdrawn.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate constitutional amendment has been correctly engrossed: Senate Constitu-

tional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 9 of Article XIII thereof, relative to the Board of Equalization, providing that said board shall consist of four members, to be elected at large by the electors of the State.

JONES, Chairman.

Senate Constitutional Amendment No. 4 ordered on file.

BILL REPLACED ON FILE.

Senator Doty asked unanimous consent to have Assembly Bill No. 240—An Act making an appropriation to pay the deficiency in the appropriation “to provide for the erection and operation of rock-crushing plants at the State prisons,” etc.—replaced on file.

Consent granted, and Assembly Bill No. 240 ordered replaced on file.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Withington, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in the Senate amendments to Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature, at its thirty-third session, the result of such investigation, and making an appropriation for the expenses of such commission.

Also: To Assembly Bill No. 362—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

And would ask that you recede from the amendments to both of said bills.

S. J. DUCKWORTH, Chief Clerk.
By W. J. HAWKETT, Assistant.

Senator Withington moved that the Senate recede from its amendments to Assembly Bill No. 875—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature, at its thirty-third session, the result of such investigation, and making an appropriation for the expenses of such commission.

The roll was called, and the motion carried and amendments receded from by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Pedlar, Prisk, Smith, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Senator Luchsinger moved that the Senate refuse to recede from its amendments to Assembly Bill No. 362—An Act entitled “An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.”

The roll was called, and the motion carried, and the Senate refused to recede from its amendments by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President appointed Senators Luchsinger, Gillette, and La Rue a committee on conference, to act with a like committee from the Assembly, in the consideration of Senate amendments to Assembly Bill No. 362.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Toner, Trout, and Voorheis.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following constitutional amendments have been correctly engrossed:

Senate Constitutional Amendment No. 5—An amendment to propose to the people of the State of California, repealing Section 12 of Article XIII, of the Constitution of the State of California, relative to revenue and taxation.

Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, relating to revenue and taxation.

Senate Constitutional Amendment No. 38—Relative to the judicial department.

JONES, Chairman.

Senate Constitutional Amendments Nos. 5, 6, and 38 ordered on file.

SPECIAL FILE OF ASSEMBLY BILLS.

(From two o'clock to three o'clock and thirty minutes P. M.)

Assembly Bill No. 510—An Act to improve Salt River, Humboldt County, from the junction thereof with Eel River to Port Kenyon, by removing therefrom bars and other obstructions to navigation, and to appropriate the sum of \$10,000 for that purpose.

Bill read third time.

The roll was called, and Assembly Bill No. 510 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, La Rue, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, and Trout—30.

NOES—Senator Jones—1.

Title read and approved.

Assembly Bill No. 431—An Act to amend Section 3641 of the Political Code, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Bill passed on file, but to retain its place.

Assembly Bill No. 151—An Act to provide the mode of changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California.

Bill passed on file, but to retain its place.

Assembly Bill No. 63—An Act to amend an Act approved March 26, 1893, entitled "An Act to create and administer a public school-teachers' annuity and retirement fund in the several counties and cities and counties in the State."

The bill having been read third time on a previous day, the question was on its final passage.

The roll was called, and Assembly Bill No. 63 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shine, Simpson, Toner, Trout, and Wolfe—30.

NOES—Senators Bulla, Holloway, Jones, Seawell, Shippee, Smith, and Withington—7.

Title read and approved.

At two o'clock and thirty-two minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Prisk, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in the Senate's amendments to Assembly Bill No. 937—An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years—and respectfully requests your honorable body to recede from said amendments.

S. J. DUCKWORTH, Chief Clerk.

Senator Voorheis moved that the Senate do not recede from its amendments to Assembly Bill No. 937, and that a committee on conference be appointed.

The roll was called, and the motion carried, and the Senate refused to recede from its amendments to Assembly Bill No. 937 by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President appointed Senators Voorheis, Aram, and Prisk as a committee on conference, to act with a like committee from the Assembly, in relation to Senate amendments to Assembly Bill No. 937.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Also: Passed Assembly Bill No. 354—An Act entitled an Act to amend Section 1196 of the Political Code, relating to elections.

Also: Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

Also: Assembly Bill No. 582—An Act making an appropriation for the purpose of dredging Humboldt Bay, and naming the commissioners who shall have charge thereof.

Also: Assembly Bill No. 981—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 981 read first time, and referred to the Committee on Roads and Highways.

Assembly Bills Nos. 354 and 582 read first time, and ordered on file without reference to committee.

Senate Bill No. 259 and Senate Constitutional Amendment No. 41 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 981—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEARD, Chairman.

Assembly Bill No. 981 ordered on file for second reading.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 538—An Act to amend Sections 2569, 2570, 2571, and 2572 of the Political Code of the State of California, and to add six new sections thereto, to be numbered 2573, 2574, 2574a, 2574b, 2574c, and 2574d, relating to the Board of Harbor Commissioners for the Port of Eureka, and making an appropriation therefor.

Bill passed on file, but to retain its place.

Assembly Bill No. 892—An Act to amend an Act to provide a system of drainage for agricultural swamp and overflowed lands, approved March 3, 1881, by amending Section 9 thereof.

The bill having been read third time on a previous day, the question was on its final passage.

The roll was called, and Assembly Bill No. 892 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Holloway, Jones, Linder, Mahoney, Morehouse, Seawell, Shippee, Simpson, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Braunhart moved a reconsideration of the vote whereby Senate Bill No. 166 was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Doty, Feeney, Franck, Hall, Henderson, Holloway, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Toner, and Trout—21.

NOES—Senators Beard, Bulla, Chapman, Denison, Dickinson, Gillette, Jones, Luchsinger, Stratton, Voorheis, and Withington—11.

POINT OF ORDER.

Senator Withington raised the point of order that, under Assembly Concurrent Resolution No. 14, Senate Bill No. 166 could not be taken up for passage.

The President pro tem. ruled that as the notice of motion to reconsider the vote on the bill was given before Assembly Concurrent Resolution No. 14 was adopted, the point of order was not well taken.

Senator Withington appealed from the ruling.

The roll was called, and the President pro tem. sustained by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Toner, and Trout—30.

NOES—Senators Luchsinger, Stratton, Voorheis, and Withington—4.

The question recurring on the passage of the bill.

The roll was called, and Senate Bill No. 166 refused passage by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Dwyer, Feeney, Franck, Hall, Henderson, La Rue, Linder, Mahoney, Morehouse, Seawell, and Toner—15.

NOES—Senators Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Gillette, Gleaves, Holloway, Jones, Luchsinger, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, and Withington—22.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 636—An Act to provide for the preparation of an index of the Journals and Appendices of the Senate and Assembly of the State of California, and directing the Trustees of the California State Library to pay for the same out of the fund for the support of the California State Library.

Bill passed on file, but to retain its place.

Assembly Bill No. 132—An Act to authorize the erection of a sewage pumping-plant at the Folsom State Prison, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 180—An Act to amend Sections 338, 339, and 341 of the Penal Code, and add two new sections thereto, to be known and designated as Sections 344 and 345, relating to pawnbrokers.

Bill read third time.

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration Assembly Bill No. 180, and have examined the same, and report that the object cannot be secured under existing laws; that the same is correct in text and reference, but your committee is of the opinion that said bill contains unconstitutional provisions.

WITHINGTON, for the Committee.

The roll was called, and Assembly Bill No. 180 refused final passage by the following vote:

AYES—Senators Androus, Beard, Boyce, Bulla, Chapman, Gillette, Holloway, Jones, Mahoney, Morehouse, Prisk, Seawell, Simpson, Stratton, and Trout—15.

NOES—Senators Bert, Braunhart, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Shine, Smith, Voorheis, Withington, and Wolfe—20.

Assembly Bill No. 97—An Act to amend Section 2924 of an Act entitled "An Act to establish a Civil Code."

On motion of Senator Dickinson, Assembly Bill No. 97 was denied second reading.

Assembly Bill No. 682—An Act providing for the publication of legal or official advertising.

On motion of Senator Prisk, Assembly Bill No. 682 was denied second reading.

RECONSIDERATION.

Senator Seawell moved that the vote whereby Assembly Bill No. 97 was refused second reading be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bert, Chapman, Doty, Dwyer, Feeney, Gillette, Hall, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Smith, Toner, Trout, and Wolfe—19.

NOES—Senators Androus, Aram, Boyce, Denison, Dickinson, Flint, Franck, Gleaves, Henderson, Jones, Morehouse, Shine, Shippee, Simpson, Stratton, Voorheis, and Withington—17.

Assembly Bill No. 97 read second time, and ordered on file for third reading.

At three o'clock and forty minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 438—An Act to prevent the granting of franchises or privileges for the construction, extension, or operation of railroads over or upon county roads or highways, by Boards of Supervisors of the several counties of the State of California.

Bill passed on file, but to retain its place.

Assembly Bill No. 174—An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and

obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act, and now maintained by the State of California at Whittier, in the County of Los Angeles, therein, approved March 23, 1893, by amending Sections 4, 6, 9, and 11.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 635—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 982—An Act to regulate the expenditure of appropriations made by the Legislature of the State of California at its thirty-second session, commencing January 4, 1897.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 402—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized.

Bill read second time, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That each of Assembly Bills Nos. 227, 210, 218, 108, 478, 288, 533, 534, 535, 208, 216, 221, 222, 239, 241, 219, 214, 236, and 220 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Simpson, Toner, Trout, Voorheis, and Wolfe—28.

NOES—Senator Bulla—1.

MOTION.

Senator Luchsinger moved that the Senate now take up and consider Assembly Bill No. 151—An Act to provide the mode of changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California.

POINT OF ORDER.

Senator Boyce made the point of order that the bill now before the Senate as Assembly Bill No. 151 is not the original bill, with Senate amendments; nor were there any Senate amendments to Assembly Bill No. 151; and thereupon moved, as the Journals of the Assembly failed to show that the bill had ever been amended, that the so-called Assembly Bill No. 151 be returned to the Assembly, with the reasons heretofore given as the cause for the return of bill.

Motion temporarily withdrawn.

REPORT OF COMMITTEE ON CONFERENCE.

On motion of Senator Smith, the following report of the committee on conference was taken up and read:

MR. PRESIDENT: Your committee on conference, to whom was referred Senate Bill No. 136, have met a like committee from the Assembly, consisting of Messrs. Valentine, Jones, and Caminetti, and beg to report as follows:

We recommend that the Senate concur in the amendment to Section 9, lines 1 and 2, printed bill, as it passed the Assembly.

Also, that the Senate concur in amendment to Section 15, lines 5 to 10.

Also, that the Senate concur in amendments to Section 25, subdivision 4, lines 23 and 24, inclusive.

Also, that the Senate concur in amendment to Section 25, subdivision 4, line 27.

Also, that the Senate concur in amendment to Section 25, by inserting subdivision 12½, lines 118½ to 127½, inclusive.

Also, that the Senate concur in the amendment to Section 25, subdivision 37, line 450.

Also, that the Assembly recede from its amendment whereby it struck out of Section 25, line 29, the following: "adopt plans and specifications, strain sheets, and working details, and must."

Also, that the Assembly recede from its amendment whereby it inserted in Section 25, lines 29 and 30, the following: "plans and specifications, strain sheets, working details, and."

Also, that the Assembly recede from its amendment whereby it inserted in Section 25 all of line 45½, beginning with the word "provided," and down to and including the word "dollars," in line 54.

Also, that the Assembly recede from its amendment whereby it struck out of Section 25, before the words "provided further," in lines 54 and 54½, the words "provided, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads."

Also, that the Senate concur in the amendment to Section 25, subdivision 38, lines 456 to 457, inclusive.

Also, that the Senate concur in the amendment to Section 54, lines 9 to 12, inclusive.

Also, that the Assembly recede from its amendment to Section 55, line 4, whereby it inserted the words "Assistant District Attorney."

Also, that the Senate concur in the amendment to Section 55, line 9.

Also, that the Senate concur in the amendment to Section 56, line 5.

Also, that the Senate concur in the amendment to Section 56, line 6.

Also, that the Senate concur in the amendment to Section 58, lines 1 to 2, inclusive.

Also, that the Senate concur in the amendment to Section 64, lines 5 to 9, inclusive.

Also, that the Senate concur in the amendment to Section 65, lines 5 and 6, inserting the words "except District Attorneys and Treasurers."

Also, that the Senate concur in the amendments to Section 139, whereby it inserted in lines 10 and 11 the words "and all other," and in line 11 the words "and all Assessors' block books."

Also, that the Senate concur in the amendment to Section 141, whereby the Assembly added the words "also, all necessary expenses and transportations on work performed in the field."

Also, that the Assembly recede from its amendment whereby it struck out of Section 141 the following: "In lieu of fees, as now provided by law, the County Surveyor shall receive such compensation as the Board of Supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation on work performed in the field."

Also, that the Senate concur in the amendment to Section 152, in lines 11 to 13, inclusive.

Also, that the Senate concur in all amendments to Section 158.

Also, that the Senate concur in all amendments to Section 159.

Also, that the Senate concur in all amendments to Section 160.

Also, that the Assembly recede from its amendment to Section 161, line 20, whereby it struck out, after the word "thousand," the word "two," and inserted the word "six."

Also, that the Senate concur in all amendments to Section 162.

Also, that the Assembly recede from its amendment to subdivision 12, Section 165, whereby it struck out the following: "The Surveyor, two thousand dollars per annum, which shall be in lieu of all fees and per diem now allowed by law," and substituted the following therefor: "The Surveyor shall receive ten dollars per day for all work performed by him in person for the county, and in addition thereto all necessary expenses and transportation for work performed in the field. There shall be and there hereby is allowed to the Surveyor one deputy, at a salary of twelve hundred dollars per annum, and such other help as the Board of Supervisors may allow"; and that the Senate concur in all other amendments to Section 165.

Also, that the Senate concur in all the amendments to Section 186, except to the one in subdivision 4, from which the Assembly be asked to recede from its action, whereby it struck out the following: "The Auditor, twelve hundred dollars per annum," and inserted the following therefor: "The Auditor, twelve hundred dollars per annum. In counties of this class the office of Auditor shall not be consolidated with any other office, and where now consolidated, the Board of Supervisors shall segregate said office immediately upon the approval of this Act."

Also, that the Assembly recede from its amendment to Section 167, line 44, whereby it struck out, after the word "of," the word "six," and inserted the word "five."

Also, that the Assembly recede from its amendment to Section 169, line 10, whereby it inserted the words "the mileage allowed by law."

Also, that the Assembly recede from its amendment to Section 171 whereby it inserted all of lines 37 to 46, inclusive.

Also, that the Assembly recede from its amendment to Section 184 whereby it inserted all of lines 57 to 65, inclusive.

Also, that the Senate concur in all amendments to Section 189.

Also, that the Assembly recede from its amendments to Section 199 whereby it struck out of line 5 the word "six," and inserted "two," and whereby it struck out lines 8 to 11, inclusive, as follows: "The Sheriff shall also receive for his own use and benefit all fees, commissions, and mileage in all civil cases wherein his county, and all fees, commissions, and mileage for service of any papers issued by any court outside of his county"; and whereby it struck out of line 14, the words "one thousand," and inserted in lieu thereof the words "nine hundred"; and whereby it struck out of line 19 the words "two thousand," and inserted in lieu thereof "one thousand eight hundred"; and whereby it struck out of line 20 the word "five," and inserted in lieu thereof the word "two"; and whereby it struck out of lines 27 and 28 the following: "and he shall receive no extra compensation for his services on the Board of Education."

Also, that the Assembly recede from its amendments to subdivisions 13 and 14, Section 189.

Also, that the Assembly recede from the amendment to Section 208.

Also, that the Senate concur in the amendment to Section 215, in lines 34 and 35.

Also, that the Senate concur in the amendment to subdivision 2, Section 228.

Also, that the Senate concur in the amendment to Section 233, lines 4 and 5.

Also, that the conference committee is unable to reach an agreement as regards Section 166, subdivision 15 of Section 173, and subdivision 6 of Sections 164, 177, 181, 191, 163, 164, and 193, and recommend the appointment of a free conference committee to consider said sections.

Also, that the Senate concur in all Assembly amendments not specified in the foregoing report.

SMITH,
PEDLAR,
PRISK,

Senate Committee.

VALENTINE,
JONES,

CAMINETTI,
Assembly Committee.

The roll was called, and the report of the committee on conference adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Chapman, Dickinson, Doty, Dwyer, Gleaves, Hall, Holloway, Jones, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Toner, Trout, Voorheis, and Withington—27.

NOES—None.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

The President appointed Senators Withington, Simpson, and Doty as a committee of free conference to act with a like committee from the Assembly in relation to Assembly amendments to Senate Bill No. 136.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Assembly Bill No. 872—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State—have had the same under consideration, and respectfully report the same back without recommendation.

SMITH, Chairman.

Assembly Bill No. 872 ordered on file for second reading.

MOTION—(OUT OF ORDER).

Senator Holloway moved that the Senate concur in the Assembly amendments to Senate Bill No. 77.

The roll was called, and the motion adopted and amendments concurred in by the following vote:

AYES—Senators Aram, Beard, Bert, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Jones, Linder, Morehouse, Pedlar, Shine, Simpson, Trout, and Voorheis—22.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 989—An Act making an appropriation to pay the printing expenses of the thirty-second session of the Legislature.

Also: Amended, and passed as amended, Senate Bill No. 647—An Act to authorize the Governor to employ agents to collect certain claims due the State of California by the United States, and to provide compensation for such services.

Also: Passed Senate Bill No. 271—An Act to appropriate the sum of \$295 85 to pay the claim of Tribune Printing Company against the State.

Also: Senate Bill No. 612—An Act to amend Section 7 of "An Act authorizing corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: On this day concurred in Senate amendments to Assembly Bill No. 361—An Act entitled "An Act to amend the Political Code by adding a new section, requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property."

Also: Assembly Bill No. 66—An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws.

Also: Assembly Bill No. 160—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 984—An Act making an appropriation to pay for the expenses incurred by Assembly Concurrent Resolution No. 6, appointing a joint committee of the Senate and Assembly to investigate the affairs of the State Printing Office.

S. J. DUCKWORTH, Chief Clerk.

Assembly Bill No. 989 read first time, and ordered on file for second reading, without reference to committee.

Senate Bills Nos. 271 and 612 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 647.

ASSEMBLY AMENDMENTS.

Amend by striking out of Section 2, line 4, the word "twenty," and inserting the following: "twenty-five."

Also: Amend by striking out of Section 1, lines 7 and 11, the word "twenty," and inserting the following: "twenty-five," in each instance.

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 647?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Aram, Beard, Bert, Bulla, Denison, Doty, Feeney, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shine, Simpson, Smith, Stratton, Voorheis, Withington, and Wolfe—24.

NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 647 ordered to enrollment.

RECESS.

At four o'clock and fifty-five minutes P. M., on motion of Senator Mahoney, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Braunhart, Chapman, Denison, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, and Trout.

Quorum present.

RESOLUTIONS—(OUT OF ORDER).

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That the Attorney-General of California be and he is hereby requested to appear in person, or by such attorney as he may designate, and represent the Senate of California in the habeas corpus proceedings now pending in the United States District Court, at San Francisco, *in re* Lawrence *et al.*

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Toner, Trout, and Withington—29.

NOES—None.

Senator Langford offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 217 and 631 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Seawell, Shippee, Simpson, Stratton, and Trout—27.

NOES—None.

RECONSIDERATION.

Senator Boyce moved a reconsideration of the vote whereby Senate amendments to Assembly Bill No. 151 were on a previous day adopted.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Seawell, Shippee, Simpson, Smith, and Trout—22.

NOES—Senators Braunhart, Stratton, and Wolfe—3.

SPECIAL ORDER.

On motion of Senator Boyce, further consideration of Senate amendments to Assembly Bill No. 151 was made a special order for to-morrow, immediately after approval of the Journal.

LEAVE OF ABSENCE.

Senator Withington was granted a leave of absence, at eight o'clock and twenty minutes P. M., for one half hour.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Stratton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution:

Resolved, That the Journal of March 1st, page 28 of corrected Journal, be corrected so as to show that the pending amendments to Assembly Bill No. 151, reported by Committee on Municipal Corporations February 24th, were adopted by the House.

Resolved, That this resolution be transmitted to the Senate.

S. J. DUCKWORTH, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 340—An Act to provide for the purchase of additional land for the Preston School of Industry, at Ione.

Also: Amended, and passed as amended, Senate Bill No. 460—An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State.

Also: Struck out the enacting clause to Senate Bill No. 293—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,'" approved March 28, 1895.

Also: Passed Senate Bill No. 700—An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds.

Also: Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Also: Adopted Assembly Constitutional Amendment No. 37—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI by adding a new section thereto, to be known as Section 5½, relating to consolidated city and county governments.

Also: Amended, and passed as amended, Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals, to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

Also: Passed Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Also: Senate Bill No. 524—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Also: Assembly Bill No. 372—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Also: Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Also: Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, southward from its present southerly terminus, near the foot of Mission Street, on the waterfront of the City and County of San Francisco.

Also: Senate Bill No. 318—An Act to provide for the protection and preservation of public highways from damage by storm-waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

Also: Senate Bill No. 493—An Act to pay the claim of E. N. Strout for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

S. J. DUCKWORTH, Chief Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 460.

ASSEMBLY AMENDMENT.

Amend by adding after the word "proper," in line 76, page 3, of the printed bill, the following: "subject, however, to the right of redemption, if sold before the expiration of such time."

Consideration of Assembly amendment to Senate Bill No. 460 postponed temporarily.

Senate Bills Nos. 340, 700, 644, 315, 524, 645, 363, 318, and 493 ordered to enrollment.

Assembly Bill No. 372 read first time, and ordered on file for second reading without reference to committee.

Assembly Constitutional Amendment No. 37 ordered on file.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 182.

ASSEMBLY AMENDMENTS.

Amend by striking out of Section 2, line 14, the words "as hereinafter provided," and inserting the following: "who shall fix his compensation, not to exceed five dollars per diem, exclusive of actual necessary expenses, when so employed."

Also: Amend by striking out of Section 5, line 9, the word "buried," and inserting the following: "destroyed."

Also: Amend Section 12, line 11, by inserting after the word "same" the following: "*provided*, that the State Board of Examiners are hereby especially prohibited from granting or allowing any deficiency to the State Dairy Bureau for the purposes of this Act."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 182?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Brauhart, Chapman, Denison, Dickinson, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Toner, and Trout—26.
NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 182 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

Senator Bert offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 942, 206, 928, 981, 332, 271, and 285 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—31.
NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 942—An Act to provide for the auditing and examination of the claims against the State of soldiers who served in the Indian wars in California, during the years from 1847 to 1857, to authorize the Adjutant-General to appoint a clerk for that purpose, and making an appropriation for his salary.

Bill read second and third times.

The roll was called, and Assembly Bill No. 942 finally passed by the following vote:

AYES—Senators Androus, Bert, Boyce, Brauhart, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Hall, Henderson, Holloway, La Rue, Linder, Morehouse, Pedlar, Seawell, Shine, Stratton, Toner, and Wolfe—22.
NOES—Senators Beard, Bulla, Gillette, Jones, Luchsinger, and Trout—6.

Title read and approved.

LEAVE OF ABSENCE.

Senators Dickinson, Seawell, and Gillette were granted a leave of absence for one hour, as requested by Senator Dickinson.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 121—An Act to create and regulate in any city or city and county in this State public warehouses, other than warehouses for the storage of grain or wool, and to enforce warehouse liens.

Bill read third time.

The roll was called, and Assembly Bill No. 121 finally passed by the following vote:

AYES—Senators Androus, Bert, Denison, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Shippee, Smith, Stratton, Toner, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 44—Proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 5½, Article VI, thereby providing for the organization of a court, to be known as the Court of Claims.

Senate Constitutional Amendment No. 44 passed on file temporarily, but to retain its place.

Assembly Bill No. 384—An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration," approved April 1, 1876.

Bill read third time.

The roll was called, and Assembly Bill No. 384 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Brauhart, Bulla, Chapman, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shine, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Senate Constitutional Amendment No. 44—Proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 5½, Article VI, thereby providing for the organization of a court, to be known as the Court of Claims.

Senate Constitutional Amendment No. 44 read, as follows:

A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 5½, Article VI, thereby providing for the organization of a court, to be known as the Court of Claims.

The Legislature of the State of California at its thirty-second session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of all the members elected to each of the two houses of the Legislature voting in favor thereof, propose that a new section be added to the Constitution of the State of California, to be known and designated as section five and one half of article six, as follows:

Section 5½. The Court of Claims shall consist of any three Judges of the Superior Court, who may be requested by the Governor to hold court at the regular terms thereof. The Court of Claims shall have exclusive jurisdiction to hear and determine all claims of every kind and character against the State, under such laws as may be passed by the

Legislature, and its judgment thereon shall be final. The terms of the Court of Claims shall be held as follows:

In the City of Los Angeles, commencing on the second Monday of March;

In the City and County of San Francisco, commencing on the second Monday in July; and

In the City of Sacramento, commencing on the second Monday of November, of each year.

The Judges holding such term of court shall receive no extra compensation therefor, but shall receive their actual expenses, to be paid out of the general fund of the state treasury. The Legislature shall enact all laws necessary to organize such court, to provide the procedure thereof, and to carry out the provisions of this section.

The roll was called, and Senate Constitutional Amendment No. 44 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Wolfe—28.

NOES—None.

RESOLUTION—(OUT OF ORDER).

Senator Seawell submitted the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 354, 615, and 872 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Brauhart, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Smith, Stratton, Trout, Withington, and Wolfe—29.

NOES—None.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senate Bill No. 263—An Act to amend an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices’ Courts.

Senator Mahoney asked unanimous consent to withdraw Senate Bill No. 263, and substitute therefor on special urgency file Assembly Bill No. 872—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in the State.

Consent granted.

Senate Bill No. 263 withdrawn, ordered stricken from the file, and Assembly Bill No. 872 substituted therefor on special urgency file.

Senate Bill No. 581—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Senator Henderson asked unanimous consent to withdraw Senate Bill No. 581, and substitute therefor on special urgency file Assembly Bill No. 631—An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessors.

Consent granted.

Senate Bill No. 581 withdrawn, ordered stricken from the file, and Assembly Bill No. 631 substituted therefor on special urgency file.

Senate Bill No. 510—An Act empowering the Board of Supervisors in each county of this State to correct any error made on the assessment of any property.

Senator Jones asked unanimous consent to withdraw Senate Bill No.

510, and substitute therefor on file Assembly Bill No. 354—An Act to amend Section 1196 of the Political Code, relating to elections.

Consent granted.

Senate Bill No. 510 withdrawn, ordered stricken from the file, and Assembly Bill No. 354 substituted therefor on special urgency file.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 354—An Act to amend Section 1196 of the Political Code, relating to elections.

Bill read second and third times.

The roll was called, and Assembly Bill No. 354 lost by the following vote:

AYES—Senators Aram, Braunhart, Chapman, Doty, Dwyer, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Shine, Stratton, Toner, and Withington—15.

NOES—Senators Beard, Bert, Bulla, Denison, Flint, Franck, Holloway, Morehouse, Pedlar, Simpson, Smith, Trout, and Wolfe—13.

Assembly Bill No. 217—An Act making an appropriation to pay the claims of the State Board of Health, for traveling expenses.

Bill read second and third times.

The roll was called, and Assembly Bill No. 217 finally passed by the following vote:

AYES—Senators Aram, Bert, Braunhart, Chapman, Doty, Dwyer, Franck, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Trout, Withington, and Wolfe—22.

NOES—Senators Beard, Bulla, Denison, and Stratton—4.

Title read and approved.

Assembly Bill No. 327—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs by transportation companies in the State of California, and fixing a penalty for failure to comply therewith.

Bill passed on file, but to retain its place.

Assembly Bill No. 796—An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the payment of such bonds.

Bill read second and third times.

The roll was called, and Assembly Bill No. 796 finally passed by the following vote:

AYES—Senators Andrews, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Feeney, Franck, Gleaves, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—26.

NOES—Senators Chapman, Doty, Holloway, and Shine—4.

Title read and approved.

SPECIAL ORDER.

Senator Simpson moved that Assembly Bill No. 872—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in the State—be made a special order for to-morrow, at two o'clock and thirty minutes P. M.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Mahoney, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington—29.

NOES—Senator Wolfe—1.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Bulla, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 17th day of March passed Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bill No. 483 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 351—An Act entitled "An Act to amend Section 1196 of the Political Code, relating to elections."

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 351.

ASSEMBLY AMENDMENTS.

Strike out of title the word and figures "Section 1196," and insert in place thereof the words and figures "Sections 1196 and 1197."

Also: Strike out the following: "Sec. 2. This Act shall take effect immediately," and insert in place thereof:

SEC. 2. Section eleven hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:

Section 1197. All ballots printed by County Clerks, other than the separate ballots containing the names of candidates for city and county offices, printed by the County Clerks of consolidated cities and counties, shall be headed "Municipal Ticket"; and all ballots printed by County Clerks of consolidated cities and counties containing the names of candidates for city and county offices, and also all tickets printed by the clerk or secretary of a legislative body of any incorporated city or town, shall be headed "Municipal Ticket." Under the heading of all general tickets the respective number of the congressional, senatorial, and assembly districts in which each ticket is to be voted shall be printed. The names of all the candidates of each political party shall be printed in a separate column or columns, at the head of which shall be printed the name of the party in large type, as "Republican Nominees," or like designation of other parties. In case two or more parties nominate the same candidate or candidates for any or all offices to be voted for, they shall each be equally entitled to have their nominations printed in full in a separate column or columns. The party which first files its nominations with the Secretary of State shall have the column or columns on the extreme left of the ballot, the party which files its nominations next in order of time shall be next, and so on until the political parties have all been placed, when a column or columns shall be assigned upon their right for the names of persons who have been nominated by petition. Upon the extreme right of the ballot, in a column or columns, shall be printed proposed constitutional amendments, or other questions to be voted upon. At the head of the columns in which the groups of candidates for Presidential Electors of the different parties are printed shall be printed the following direction to voters: "To vote for Electors, mark a cross in the square at the right of the party name." Immediately following this shall be printed the title of their office, and a direction to mark once, as, "Electors of President and Vice-President—mark once." At the end of the group of Presidential Electors, and of the blank spaces following them, shall be printed the following direction to voters: "To vote for a person, stamp cross (X) in square at right of name of political party or designation following his name." If the names of candidates of that party extend over to the next column, this direction shall be repeated at the head of such column. Each name or group of names of candidates of any party for any one office, except Presidential Electors, provision for which has hereinbefore been made, shall be immediately preceded by the title of the office, at the extreme left of the column, followed on the extreme right of the column by a direction

to the voter, specifying the number of persons to be voted for for that office, thus: "Governor—vote for one."

Where proposed amendments to the Constitution or other questions are to be voted upon, the statement and description thereof shall be printed upon the ballot in manner and form as provided for in Section 1054 of this Code, opposite which shall be printed the words "Yes" and "No," on separate lines. Such proposed amendments or other question to be voted upon shall be placed in the column at the extreme right of the ticket, and at the head of this column shall be printed the following direction to voters: "To vote on the following questions stamp a cross (X) in the square at the right of 'Yes' or 'No' in each case." All municipal tickets containing the names of candidates for ward or district offices, in addition to such direction to voters, shall have the number of the ward or district in which such ticket is to be voted printed thereon. All municipal tickets shall be printed upon paper of a different tint from that of the general ticket. On each ballot a perforated line shall extend from top to bottom, one half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing, except the number of the ballot, which shall be upon the back of such strip, in such position that it shall appear upon the outside when such ballot is folded. The number of each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots shall be eighteen inches in length, and each column shall be four and one half inches in width, and there shall be as many columns as are necessary under the provisions of this section. The columns shall be separated by heavy ruled lines, and on all ballots the names of candidates shall each be separated by a rule extending to the extreme right of the column, and each group of names of candidates for any office shall be separated, by a heavy ruled line extending to the extreme right of the column, from the names of the candidates for the next and succeeding office printed upon the ticket.

All ballots shall be printed in plain roman type, and shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this Code, and no other name; and there shall be added to all the names of candidates for each office, where such officer is to be elected from a section or district comprising more than one county, the name of the county from which he was nominated, followed by their party or political designation or designations, so far to the right of the column as possible, leaving room for the square or space hereinafter provided for, as

W. M. CUTTER, of Yuba.....Independent. Silver. Republican.

The name or names of the candidates of any party shall be arranged under the designation of the office in the column of the party to which they belong. In the case of Electors of President and Vice-President, they shall be arranged in a group as presented by the party or petition nominating them, and placed at the head of the column where they respectively belong; and there shall be printed at the head of each group of Electors so nominated the names of the candidates of the party they represent for President and Vice-President, followed by the political principle or party represented by said Electors, after which, on the extreme right of the column, shall be a space or square, in one of which the voter must stamp a cross (X), signifying his intention to vote for the group of Electors immediately following, as

McKINLEY AND HOBARTRepublican.

in great primer title type, or the like; *provided*, that if an elector desires to vote for a less number of persons for Electors of President and Vice-President than are named in each group, or for the full number of Electors in any other arrangement or order than they are permitted upon the ticket, or should he desire to vote for Electors whose names are not upon the ballot, he may do so by writing their names in the blank spaces hereinafter provided for at the end of the list of candidates for Electors of President and Vice-President. Such Electors can be so voted for by writing their names in such spaces, without stamping or other evidence of assent. There shall be left at the end of the list of candidates for each office as many blank spaces as there are persons to be elected to each office, in which the person may insert the name of any person not printed upon the ballot for whom he desires to vote as candidate for such office; and the names and blank spaces on the whole ticket shall be consecutively numbered, the figures being placed on the left-hand side of such names and blank spaces. There shall be a margin on the right hand of the names of all candidates, except Presidential Electors, provisions for which is hereinbefore made, at least one half inch wide, along the left-hand edge of which margin a line shall be drawn, forming squares, so that the voter may clearly indicate, in the way to be hereinafter pointed out, the candidate or candidates for whom he wishes to cast his ballot.

SEC. 3. This Act shall take effect immediately.

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 351?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Chapman, Denison, Doty, Franck, Gleaves, Hall, Henderson, Holloway, Linder, Luchsinger, Morehouse, Pedlar, Shippee, Smith, Stratton, Toner, Trout, Withington, and Wolfe—25.
NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 351 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 460.

The consideration of Assembly amendments to Senate Bill No. 460 having been postponed temporarily, and the question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 460?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Jones, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Withington, and Wolfe—25.
NOES—None.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action.

Senate Bill No. 460 ordered to enrollment.

WITHDRAWAL OF BILL.

Assembly Bill No. 631—An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessors.

Senator Henderson asked unanimous consent to withdraw Assembly Bill No. 631 from the special urgency file.

Consent granted.

Assembly Bill No. 631 withdrawn, and ordered stricken from the file.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Senate Bill No. 718—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down, and returning an exhibit of the products of the State of California at the Hamburg Horticultural Exposition, to be held at Hamburg, Germany, in 1897, and to provide for a commission, secretary of a commission, and the pay of the secretary thereof.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 718, and substitute therefor on file Assembly Bill No. 928—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down, and returning an exhibit of the products of the State of California, at the Hamburg Horticultural Exposition, to be held at Hamburg, Germany, in 1897, and to provide for a commission, secretary of a commission, and the pay of the secretary thereof.

Consent granted.

Senate Bill No. 718 withdrawn, ordered stricken from the file, and Assembly Bill No. 928 substituted therefor on special urgency file.

Assembly Bill No. 928 read second and third times.

The roll was called, and Assembly Bill No. 928 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Chapman, Denison, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—26.

NOES—Senators Bert, Bulla, and Mahoney—3.

Title read and approved.

Assembly Bill No. 212—An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as assistant secretary of the State Board of Examiners, from February 15, 1891, to March 21, 1891.

Bill read second and third times.

The roll was called, and Assembly Bill No. 212 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—27.

NOES—None.

Title read and approved.

Assembly Bill No. 246—An Act making an appropriation to pay the claim of James McClatchy & Co., publishers of the Bee, for advertising the constitutional amendments.

Bill read second and third times.

The roll was called, and Assembly Bill No. 246 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Doty, Dwyer, Feeney, Flint, Franck, Hall, Henderson, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, and Trout—28.

NOES—None.

Title read and approved.

At ten o'clock and twenty minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 206—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.

Bill read second and third times.

The roll was called, and Assembly Bill No. 206 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Stratton, Toner, and Trout—24.

NOES—None.

Title read and approved.

Assembly Bill No. 285—An Act for the employment of the homeless and the unemployed, and for the punishment of vagrants.

Bill read second time.

Senator Boyce moved that the bill be denied third reading.

The question being, "Shall the bill be read third time?"

The roll was called, and Assembly Bill No. 285 granted third reading by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, and Trout—24.

NOES—Senators Boyce, Hall, Henderson, and Toner—4.

Bill read third time.

The roll was called, and Assembly Bill No. 285 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Doty, Flint, Gleaves, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Trout, and Withington—22.

NOES—Senators Bert, Boyce, Feeney, Hall, Henderson, Toner, and Wolfe—7.

Title read and approved.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of the committee of free conference in reference to Senate Bill No. 136 was received and read:

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your committee of free conference, concerning the disagreement of the two houses with reference to certain amendments made by the Assembly to Senate Bill No. 136, entitled "An Act to establish a uniform system of county and township governments," report that we have met a like committee from the Assembly, consisting of Assemblymen H. H. North, Dennery, and Burnett, and report that the committee unanimously agreed upon and recommend the following:

First—That the Senate concur in the Assembly amendment to Section 163, striking out line 41½ in subdivision 6, said line being the following words: "including the percentage collected by him from licenses," which amendment we annex to this report as amendment *a*.

Second—We recommend that the Senate concur in the Assembly amendment to Section 164, and insert in subdivision 6, line 19, after the words "per annum," the words "which shall be in full for all services as Tax Collector and License Collector," which amendment we annex to this report as amendment *b*.

Third—We recommend that the Senate concur in Assembly amendment to Section 166, and that the same be amended by striking out of subdivision 6, line 31, the word "two," and inserting in place thereof the word "three," which amendment we annex to this report as amendment *c*.

Fourth—We recommend that subdivision 15 of Section 173 be amended so as to read as follows: "15. Each Supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat, which shall be full compensation for all services as Supervisor and road overseer; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board," which amendment we annex as amendment *d*.

Fifth—We recommend that the Senate concur in Assembly amendment to Section 177, but that the same be amended by striking out subdivision 11, and inserting the following: "11. Superintendent of Schools, eighteen hundred dollars per annum, including services on Board of Education. He shall be allowed his actual traveling expenses, not to exceed three hundred dollars per annum," which amendment we annex hereto as amendment *e*.

Sixth—We recommend that the Senate concur in Assembly amendment to Section 181, but that the same be amended as follows: In subdivision 13, line 35, strike out the word "seventy," and insert the words "sixty-five," which amendment we annex hereto as amendment *f*; also, in subdivision 14, line 55, strike out the word "eighty," and insert in place thereof the word "seventy," which amendment we annex hereto as amendment *g*.

Seventh—In Section 191, we recommend that the Assembly recede from all their amendments to said section.

Eighth—In lieu of Section 193 of the bill, and all amendments thereof, insert the following:

SEC. 193. In counties of the thirty-sixth class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-two hundred dollars per annum.
2. The Sheriff, forty-five hundred dollars per annum.
3. The Recorder, eighteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum, and five per cent on all licenses collected by him as license collector.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, six dollars per day when the board is in session, and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat once each session; for services as road commissioner, three dollars per day while engaged as such commissioner; *provided, however, the amount so allowed as such commissioner shall not exceed three hundred dollars in any one year.*

Which amendment we annex to this report as amendment A.

WITHINGTON,
SIMPSON,
DOTY,

Senate Committee.

H. H. NORTH,
BURNETT,
DENNERY,

Assembly Committee.

(a) Amend by striking out line 41½ in subdivision 6 of Section 163, being the following words: "Including the percentage collected by him from licenses."

(b) Amend Section 164 by inserting in subdivision 6, line 19, after the words "per annum," the words "which shall be in full for all services as Tax Collector and License Collector."

(c) Amend Section 166 by striking out of subdivision 6, line 31, the word "two," and inserting in place thereof the word "three."

(d) Amend Section 173, subdivision 15 thereof, to read as follows: "15. Each Supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat, which shall be full compensation for all services as Supervisor and road overseer; *provided, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.*"

(e) Amend Section 177 by striking out subdivision 11, and inserting the following: "11. Superintendent of Schools, eighteen hundred dollars per annum, including services on Board of Education. He shall be allowed his actual traveling expenses, not to exceed three hundred dollars per annum."

(f) Amend Section 181 by striking out in line 35, subdivision 13, the word "seventy," and insert the words "sixty-five" in lieu thereof.

(g) Amend Section 181 by striking out in line 55, subdivision 14, the word "eighty," and insert in place thereof the word "seventy."

(h) Amend Section 193 by striking out all of said section, and inserting in lieu thereof the following:

SEC. 193. In counties of the thirty-sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-two hundred dollars per annum.
2. The Sheriff, forty-five hundred dollars per annum.
3. The Recorder, eighteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum, and five per cent on all licenses collected by him as license collector.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each Supervisor, six dollars per day when the board is in session, and mileage at the rate of ten cents per mile, for traveling to and from his residence to the county seat once each session; for services as road commissioner, three dollars per day while engaged as such commissioner; *provided, however, the amount so allowed as such commissioner shall not exceed three hundred dollars in any one year.*

The roll was called, and the report of the committee of free conference adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gleave, Hall, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Toner, Trout, Withington, and Wolfe—27.

NOES—None.

RECONSIDERATION.

Senator Simpson moved that the vote whereby Assembly Bill No. 796 was on this day finally passed be reconsidered, for correction.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—30.

NOES—None.

Assembly Bill No. 796—An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts, organized under and in pursuance of an Act of the Legislature of the State of California, entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the payment of such bonds.

The vote whereby Assembly Bill No. 796 was this day finally passed having been reconsidered, the question was on its final passage.

On motion of Senator Simpson, Senator Androus was appointed a special committee of one to amend as follows:

Amend by striking out in Section 15, line 5, all after the word "bonds," and all of lines 6, 7, 8, 9, and 10, and inserting in Section 13, line 4, after the word "bond," the following: "and shall have no power to deliver the same in exchange for any bonds or indebtedness proposed to be funded until the bonds or evidence of indebtedness proposed to be funded shall have been surrendered to him, and he shall have been ordered by the board of directors of the district, by an order duly entered on their records, to make such delivery."

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 796, as amended in Senate March 17th, with instructions to amend, respectfully reports the same back, amended as per instructions.

ANDROUS, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 17, 1897.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 972—An Act to provide for the care of the dependent and wayward classes—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BOYCE, Chairman.

Assembly Bill No. 972 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Morehouse offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate, and such additional attachés as he may deem necessary, and shall select and appoint, but not to exceed Bookkeeper and one of the Bill Clerks of the Senate, be authorized to remain one week after the adjourn-

ment of the present session, for the purpose of locating, marking, and storing the furniture and other property of the State, and to dispose of all the bills, at the same per diem as now received, the same to be payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for the same.

Resolution referred to the Committee on Attachés, Contingent Expenses, and Mileage.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Luchsinger asked unanimous consent to take up for consideration Assembly Bill No. 743—An Act to amend Section 3342 of the Political Code of the State of California, and to add a new section thereto, to be known as Section 3346 thereof, all relating to volunteer fire departments.

Consent granted.

During the second reading of the bill, the following amendment was submitted by Senator Luchsinger:

Amend by striking out of Section 2, line 7, all after the word "levy," and all of lines 8, 9, and 10, and insert in lieu thereof the following: "to provide for a tax equal to the amount of two and one half cents on each one hundred dollars of assessed valuation, for the purpose of creating a relief fund for said department."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

CASE OF URGENCY—SECOND AND THIRD READING OF BILL.

Senator Seawell asked that Assembly Bill No. 615—An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor—be taken up for consideration.

Consent granted.

Bill read second and third times.

The roll was called, and Assembly Bill No. 615 finally passed by the following vote:

AYES—Senators Aram, Boyce, Braunhart, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shippee, Smith, Toner, Trout, and Wolfe—24.

NOES—Senators Beard and Bulla—2.

Title read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 100—An Act to amend an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent the manufacture and sale thereof," approved March 7, 1887, and to provide the penalty therefor, and appropriating money to enforce the same.

Also: Senate Bill No. 495—An Act to amend Section 622 of the Political Code of the State of California, relating to the retaliatory clause concerning insurance companies.

Also: Senate Bill No. 668—An Act to amend Section 599 of the Civil Code, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporations by corporations for purposes other than profit.

And presented the same to the Governor on this day, at two o'clock and forty minutes P. M.

Also: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Senate Bill No. 510—An Act empowering the Board of Supervisors in each county of this State to correct any error made on the assessments of any property.

Also: That the following Senate constitutional amendment has been correctly engrossed: Senate Constitutional Amendment No. 39—Relative to the judicial department.

JONES, Chairman.

Senate Bill No. 510 ordered on file for third reading.

SENATE CONSTITUTIONAL AMENDMENT.

Senate Constitutional Amendment No. 39—Relative to the judicial department.

Senate Constitutional Amendment No. 39 read, as follows:

SENATE CONSTITUTIONAL AMENDMENT No. 39.

A resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the judicial department.

Resolved, That the Legislature of the State of California, at its regular session commencing on the fourth day of January, eighteen hundred and ninety-seven, two thirds of all the members elected in each of the two houses of said Legislature voting in favor thereof, hereby propose that article six of the Constitution of said State be amended so as to read as follows:—said amendment to take effect and be in force on and after the first Monday of January, Anno Domini eighteen hundred and ninety-nine.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate sitting as a Court of Impeachment, in a Supreme Court, in District Courts of Appeal, in Superior Courts, in Justices of the Peace, and in such inferior courts as the Legislature may establish in any city or city and county or incorporated town.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices; *provided*, that the Chief Justice and the Associate Justices in office or who shall have been elected at the time of taking effect of this amendment shall continue in office and constitute the court until the expiration of their respective terms of office. The presence of a majority of the justices shall be necessary for the transaction of business (except such as may be done at chambers) and the concurrence of a majority of the justices shall be necessary to pronounce a judgment. The Associate Justices shall from time to time, whenever the Chief Justice is absent or unable to act, or whenever there is a vacancy in the office of Chief Justice, select one of their number to act as Chief Justice pro tempore to exercise all the powers of Chief Justice during such absence, inability or vacancy. The Supreme Court shall hold two sessions in each year at the City of Los Angeles, and two sessions in each year at the City of Sacramento, and two sessions in each year at the City and County of San Francisco. The court shall always be open for the transaction of business.

SEC. 3. The Supreme Court shall have appellate jurisdiction direct from the Superior Courts in every case; proceeding, or special proceeding where is necessarily drawn in question the validity of a treaty or statute of or an authority exercised under the United States; or where is necessarily drawn in question the validity of the Constitution or any statute of or authority exercised under this State on the ground of their being repugnant to the Constitution or laws of the United States; or where is necessarily drawn in question the validity of any statute of or authority exercised under this State on the ground of their being repugnant to the Constitution of this State; or where is necessarily drawn in question any title right privilege power authority or immunity claimed to exist under the Constitution of this State or the Constitution or laws of the United States; or where is necessarily drawn in question the legality of any tax, impost, assessment, toll or municipal fine; and also in all criminal cases (on questions of law alone) in which the judgment shall be death or imprisonment for life. It shall also have appellate jurisdiction in every case, proceeding, or special proceeding determined by any District Court of Appeal the record in which it may by order pursuant to the further provisions on these subjects hereinafter contained in this article direct to be transmitted to it. It shall also have jurisdiction in every case, proceeding, and special proceeding which shall have been actually submitted to it for decision before the organization of the District Courts of Appeal established by this article, and of every pending case which shall not be transferable to the District Courts of Appeal as hereinafter provided. And in all cases in which the Supreme Court shall acquire jurisdiction it shall have further jurisdiction to decide all questions properly presented on the record whether or not they be such as of themselves would entitle the court to take jurisdiction of the case.

SEC. 4. The State is hereby divided into three appellate districts in each of which there shall be a District Court of Appeal consisting of three Justices. One of said courts shall sit in the City of Sacramento one in the City of Los Angeles and one in the City of San Francisco. The official designation of said courts respectively shall be:

The Court of Appeal of the State of California for the District of (Sacramento, Los Angeles or San Francisco, as the case may be). Within one month after the adoption of this article the Chief Justice shall by an order signed by him and entered on the minutes of the Supreme Court, assign each county of the State to one or another of said appellate districts in such manner as shall make as nearly equal a division of the business as is practicable, and thereafter may by like order from time to time remove any county from one appellate district to another as convenience shall seem to require and assign any newly organized county to such appellate district as he may think proper.

SEC. 5. The Justices of each of the District Courts of Appeal shall elect one of their number as a presiding Justice; and the presence of two Justices shall be necessary for the transaction of any business except such as may be done at chambers. The concurrence of two Justices shall be necessary to pronounce a judgment.

SEC. 6. The several District Courts of Appeal shall have appellate jurisdiction in every civil case proceeding and special proceeding commenced and determined and non questions of law alone in every criminal case presented by indictment or information, in the Superior Courts within their several appellate districts, excepting only those cases proceedings or special proceedings in which an appeal direct to the Supreme Court from the Superior Courts is expressly allowed by this article; *provided* that in all cases in which a District Court of Appeal shall acquire jurisdiction it shall have further jurisdiction to decide all questions properly presented on the record, whether or not such questions be such as of themselves would entitle the court to take jurisdiction of the case.

SEC. 7. As soon as practicable after the organization of the District Courts of Appeal the Supreme Court shall apportion and transfer to them respectively such cases proceedings and special proceedings then pending in that court which have not been submitted as under this article should have been appealed to said District Courts of Appeal had they then in existence at the time the appeals were taken. The District Courts of Appeal shall have the same jurisdiction to hear and determine the appeals so transferred as appeals taken directly to them. The statutes now in force allowing providing for and regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as consistent with this article until the Legislature shall make provisions for appeals to said courts.

SEC. 8. Whenever any Justice of the Supreme Court is for any reason disqualified to act in a case pending before it, the remaining Justices may select one of the Justices of a District Court of Appeal to act in the place of the Justice so disqualified. Whenever and so often as any Justice of a District Court of Appeal shall be disqualified or unable to act in any case within its jurisdiction, the Chief Justice may appoint a Judge of a Superior Court who has not acted in the cause in the court below to act as a Justice pro tempore of such District Court of Appeal in place and stead of such disqualified Justice. A Justice of one District Court of Appeal may at any time sit as a Justice pro tempore in any other District Court of Appeal upon the written request of any Justice of said court. Every Justice pro tempore of a District Court of Appeal while acting as such shall have the same power and authority as a Justice of such court.

SEC. 9. The judgments and decrees of the District Courts of Appeal shall be final excepting only that if a decision of a District Court of Appeal be considered by the Supreme Court to be in conflict with an existing and not overruled decision of the same court or of another District Court of Appeal or of the Supreme Court as at any time constituted then within thirty days after the entry of judgment in the District Court of Appeal the Supreme Court may in its discretion order the record to be transmitted to it and thereupon and thereafter shall have jurisdiction to hear and determine the appeal.

SEC. 10. The Supreme Court shall have power to issue writs of mandamus certiorari, and prohibition to the District Courts of Appeal, and these and all other writs orders, and process necessary to the complete and effectual exercise of its appellate jurisdiction. The District Courts of Appeal within their respective districts, shall have power to issue writs of mandamus certiorari, prohibition quo warranto and habeas corpus, and all other writs and orders necessary and proper to the complete and effectual exercise of their jurisdiction. Each of the Justices of the District Courts of Appeal shall have power to issue writs of habeas corpus to any part of the appellate district within which he sits, and every such writ may be made returnable before the Justice who issued it, or the court from which it was issued, or any Justice thereof, or before any lower court of record, or any judge thereof.

SEC. 11. Courts must in every stage of an action disregard any error or defect in the pleadings or proceedings or in the course of a trial or motion for a new trial which does not affect the substantial rights of the parties; and no judgment or order shall be reversed or affected by reason of any such error or defect.

SEC. 12. Unless oral argument be waived by the parties every cause and matter in the Supreme Court, and in any District Court of Appeal except such applications as may be made ex parte shall be orally argued by the parties or their counsel in open court; but this shall not prevent the courts from requiring that the points to be argued and considered, together with a list of authorities to sustain such points, shall be printed and filed before a cause is taken up for argument. The Supreme Court and the District Courts of Appeal may render their judgments either orally or in writing, *provided* that if judgment be rendered orally each Justice who participates in the decision shall state in open court his reasons therefor, and the same shall be taken down and written out by the phonographic reporter of the court and the transcript thereof shall be preserved in the records of the court; but nothing herein shall prevent any Justice from so editing and

correcting the report of the reporter as to better express his meaning. A remittitur or mandate must issue on every judgment of said courts on or before the expiration of thirty days after the rendition thereof.

SEC. 13. There shall continue to be as now existing in each of the counties or cities and counties of the State a Superior Court; and the present Judges of the Superior Court in the several counties and cities and counties shall constitute the court and continue in office until the terms of office for which they have been elected shall have respectively expired. The official designation of the courts shall be: The Superior Court of the (county or city and county as the case may be). The Superior Courts shall have original jurisdiction in all cases in equity and in all cases at law which involve the title, right of possession or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine and in all other cases in which the demand exclusive of interest or the value of the property in controversy amounts to three hundred dollars; and in all criminal cases amounting to felony, and in cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce and annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. The said courts shall exercise such powers of naturalization as are conferred upon the courts of the State by Act of Congress. They shall have appellate jurisdiction in such cases arising in justice's and other inferior courts as is prescribed by law. They shall always be open (legal holidays and non-judicial days excepted) and their process shall extend to all parts of the State; *provided* that all actions for the recovery of the possession, of quieting the title to or for the enforcement of liens upon real estate shall be commenced in the county or city and county in which the real estate or any part thereof affected by such action or actions is situated; and appeals from justice's and other inferior courts shall be taken to the Superior Courts of the respective counties or cities and counties in which such justice's or other inferior courts may be situated. The Superior Courts and their judges shall have power to issue writs of mandamus certiorari prohibition and quo warranto and to issue writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

SEC. 14. There may be as many sessions of a Superior Court of a county or city and county at the same time as there are judges in any manner empowered to hold court therein and the judgments orders and proceedings of any session of a Superior Court held by any one or more of such judges shall be as effectual as if all were judges of said court and all sat at such session. Any judge of any Superior Court may hold court in any county or city and county at the request of a judge of the court of such county or city and county and upon the request of the Chief Justice it shall be his duty to do so; and any cause in a Superior Court may be tried by any person having the qualifications required by this Constitution for a judge of such court who shall be agreed upon by the parties to act as a judge pro tempore and be approved by the court and sworn to try the cause. Each judge of the Superior Court shall reside in every the county or city and county for which he was elected, and within a reasonable distance from the county seat; *provided however* that nothing herein contained shall be taken to alter any existing laws that limit the number of Superior Judges or that allow one Superior Judge to hold a session of the Superior Court for two or more counties in common or to reside in either one of such counties. In every county and city and county where there are more than two judges of the Superior Court they shall choose from their own number a Presiding Judge who may be changed at their pleasure. The Presiding Judge of the Superior Court in any county or city and county shall distribute the cases which are ready for trial among the judges of the court and shall prescribe the order of business and may from time to time assign any judge of the court to the transaction of any special class of business. The Legislature may at any time by a vote in favor thereof of not less than two thirds of the members of each house increase or diminish the number of judges of a Superior Court and change the places of holding sessions of said court. The Legislature may also by law authorize the appointment of Commissioners of the Superior Court in the several counties and cities and counties with authority to perform such business of the court as may be prescribed by law. All present commissioners of the Superior Courts shall continue to hold and perform the duties of their offices respectively during their respective terms of office.

SEC. 15. The Justices of the Supreme Court and of the District Courts of Appeal, the Judges of the Superior Courts and the justices and judges of all other courts of record may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house; but no removal shall be made by virtue of this section unless the cause thereof and the vote by ayes and noes be entered on the Journal nor unless the party complained of has been served with a copy of the complaint against him and had an opportunity of being heard in his defense.

SEC. 16. The Supreme Courts, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature may prescribe shall be courts of record.

SEC. 17. The Supreme Court shall appoint a clerk of that court who shall hold office and be removable at its pleasure but the present clerk of the court shall hold office until the expiration of his term of office. Each District Court of Appeal shall appoint a clerk phonographic reporter and bailiff who shall severally hold his office and be removable at the pleasure of the court by which he is appointed.

SEC. 18. The Supreme Court shall appoint a reporter of decisions who shall appoint an assistant reporter for each of the District Courts of Appeal. All of said officers shall

hold office and be removable at the pleasure of the Supreme Court. The decisions of the District Courts of Appeal shall be published in the same volumes with the opinions of the Supreme Court under the same general title of California Reports; and all statutes in relation to the publication of the opinions of the Supreme Court shall be deemed to apply to the publication of the decisions of the District Courts of Appeal.

SEC. 19. The Chief Justice and the Associate Justices of the Supreme Court shall be elected by the qualified electors of the State at large; the Justices of the District Courts of Appeal by the qualified electors of their respective appellate districts and the Judges of the Superior Courts by the qualified electors of their respective counties or cities and counties. The Chief Justice the Associate Justices of the Supreme Court the Justices of the District Courts of Appeal and at least one Judge of every Superior Court shall be elected at the times and places at which State officers are elected; and the term of office of all justices and judges of said courts shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the Justices of the District Courts of Appeal elected at the first election shall at their first meeting so classify themselves by lot that one of them shall go out of office at the end of four years, one at the end of eight years, and one at the end of twelve years, and an entry of such classifications shall be made in the minutes of the courts signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. The first election of Justices of the District Courts of Appeal shall take place at the first state election after the adoption and ratification of this amendment. If a vacancy occurs in the office of a Justice of the Supreme Court or of a District Court of Appeal or Judge of a Superior Court the Governor shall appoint a person to hold the office until the election and qualification of a justice or judge to fill the vacancy; which election shall take place at the next succeeding general election and the justice or judge so elected shall hold the office for the remainder of the unexpired term. On the adoption of this amendment the Justices of the District Courts of Appeal shall be appointed by the Governor, and possess the qualifications provided in section twenty-one of this article, and not more than two Justices in any one District Court of Appeal shall be appointed from the same political party and the Justice so appointed shall discharge the duties and receive the salaries of Justices of the District Courts of Appeal until the election and qualification of the Justices of said Courts as by this amendment and by law provided.

SEC. 20. The justices and judges of all courts of record shall severally at stated times during their continuance in office receive a compensation which shall not be diminished after their election nor during the term for which they have been elected. Until otherwise provided by law the following shall be the compensations of the justices, judges, and officers of courts mentioned in this article: To the Justices of the Supreme Court and of the District Courts of Appeal each an annual salary of six thousand dollars; To the Judges of the Superior Courts the same annual salaries as are now provided by law for such judges respectively: To the reporter of decisions the same annual salary as is now allowed to him, and to each assistant reporter of decisions the same annual salary as is now allowed to the present assistant reporter of decisions: To the clerk of the Supreme Court and to the clerks of the District Courts of Appeal respectively the same annual salary as is now allowed to the clerk of the present Supreme Court: To the several phonographic reporters and bailiffs of the District Courts of Appeal the same salaries respectively as are now allowed to the phonographic reporter and bailiff of the Supreme Court; The salaries and compensation of the Justices of the Supreme Court, of the District Courts of Appeal, of the reporter and assistant reporters of decisions and of the phonographic reporters, clerks and bailiffs of all of those courts shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State and the other half by the county for which he is elected.

SEC. 21. The following persons and no others shall be eligible to the office of Justice of the Supreme Court, Justice of a District Court of Appeal or Judge of a Superior Court to wit: (1st) a justice or judge of any one of said courts actually in office at the time of his nomination or appointment: (2d) an attorney and counselor at law regularly admitted to practice before the Supreme Court who has regularly practiced his profession within this State for a period of five years immediately preceding his nomination or appointment and who has continued in good standing in his profession during the whole of that period: (3rd) an attorney and counselor at law regularly admitted to practice before the Supreme Court for a period of ten years prior to his nomination or appointment and who in the intervening period has been a judge justice or officer of another court within this State and while not in office as judge justice or officer of a court has regularly practiced his profession in this State and remained in good standing therein. No one shall be eligible to the office of justice or judge of any other court sitting or having jurisdiction within any incorporated city or city and county within the State having a population of more than ten thousand persons unless he shall for five years immediately preceding his nomination or appointment have been an attorney and counselor at law of the Supreme Court regularly practicing as such within the State and in good standing in his profession.

SEC. 22. The Legislature shall determine the number of Justices of the Peace to be elected in townships, counties, or cities and counties, and shall fix their powers, duties, and responsibilities; *provided* such powers shall not in any case trench upon the jurisdiction of the several courts of record; except that said Justices of the Peace shall have concurrent jurisdiction with the Superior Court in cases of forcible entry and

detainer where the rent or value does not exceed twenty-five dollars per month and where the whole amount of damages claimed does not exceed three hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the lien nor the value of the property amounts to three hundred dollars.

SEC. 23. No justice or judge of a court of record shall be eligible to any other office or public employment than a judicial office or employment during the term for which he has been elected. No justice or judge of a court of record shall practice law in any court during his continuance in office. No judicial officer except Justices of the Peace or Court Commissioners when specifically allowed by law shall receive to his own use any fees or perquisites of office. Any judicial officer who shall absent himself from the State for more than ninety consecutive days shall be deemed to have resigned his office.

The roll was called, and Senate Constitutional Amendment No. 39 adopted by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Doty, Feeney, Flint, Franck, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—28.

NOES—Senator Denison—1.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Senate Bill No. 732—An Act to amend Sections 4, 6, 11, 12, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Senator Aram asked unanimous consent to withdraw Senate Bill No. 732 from the special urgency file, and substitute therefor on file Assembly Bill No. 332—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Consent granted.

Senate Bill No. 732 withdrawn from the special urgency file, and Assembly Bill No. 332 substituted therefor.

Assembly Bill No. 332 read second and third times.

The roll was called, and Assembly Bill No. 332 finally passed by the following vote:

AYES—Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Doty, Feeney, Franck, Gleaves, Hall, Jones, Linder, Mahoney, Morehouse, Pedlar, Shippee, Smith, Stratton, Trout, and Withington—21.

NOES—None.

Title read and approved.

At eleven o'clock and twenty minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Assembly Bill No. 981—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 981 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Stratton, Trout, and Withington—22.

NOES—None.

Title read and approved.

SPECIAL ORDER.

On motion of Senator Withington, the remainder of the bills on the special urgency file were made a special order for to-morrow morning, immediately after approval of Journal.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Dickinson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 897—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, and to provide compensation for such services.

Also: Amended, and passed as amended, Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," by adding a new subdivision, exempting seamen's and fishermen's wages, one piano, one shotgun, and one rifle, also typewriters and bicycles, from execution.

Also: Refused to pass Senate Bill No. 113—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Also: Passed Assembly Bill No. 606—An Act to amend Section 536 of the Civil Code.

Also: Assembly Bill No. 561—An Act to appropriate \$4,000 to pay the claim of Francis Williams, for services rendered the State of California as an Irrigation Commissioner.

Also: Withdrew, by request of Mr. Jones, Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Also: I am directed to request your honorable body to return to the Assembly Assembly Bill No. 372—An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries.

Also: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinness.

Also: On March 17th passed Senate Bill No. 536—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Also: Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction of the power of devise to charitable uses.

S. J. DUCKWORTH, Chief Clerk.
By W. GILLHAWKES, Assistant.

Consideration of Assembly amendment to Senate Bill No. 15 passed, in absence of the author.

Assembly Bills Nos. 897, 606, and 561 read first time, and ordered on file for second reading without reference to committee.

On motion of Senator Withington, the Secretary was instructed to return to the Assembly Senate Bill No. 314, with the request that it again be placed on the Assembly file.

Senate Bills Nos. 670, 536, and 273 ordered to enrollment.

Assembly Bill No. 372 ordered returned to the Assembly, as requested by that body.

MOTION.

On motion of Senator Dickinson, the Secretary was instructed to request from the Assembly the return of Assembly Bill No. 867—An Act to amend Section 647 of the Penal Code of California.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Senator Bulla, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 19, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.
Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luch-singer, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNAL.

The Journal of Wednesday, March 17, 1897, was approved.

RESOLUTION.

Senator Gillette offered the following resolution.

Resolved, That the Secretary of State be and he is hereby instructed to furnish each Senator and the Secretary with a set of Constitutional Debates.

Resolution adopted.

COMMUNICATIONS.

The following communications were read, and ordered printed in the Journal:

SAN FRANCISCO, CAL., March 17, 1897.

To the honorable Members of the Senate and Assembly of the State of California:

GENTLEMEN: The Merchants' Association of San Francisco earnestly requests your favorable action upon Senate Constitutional Amendment No. 35, amending Article XI of the Constitution of the State by adding a new section thereto, to be known as No. 5½, relating to consolidated city and county governments.

This amendment to the Constitution is absolutely essential to the proper operation of the government of San Francisco. It will extricate this city from its dual capacity of both a city and a county. This uncertain condition has confused the laws governing this municipality, and unless thus altered will result in serious complications.

Senate Constitutional Amendment No. 35 has had the unanimous indorsement of the Board of Supervisors of this city and county, as well as of the Merchants' Association, and we sincerely hope that you will submit it to the electors of the State.

Very respectfully yours,

MERCHANTS' ASSOCIATION.

F. W. DOHRMANN, President.

[SEAL.] J. RICHARD FREUD, Secretary.

SAN FRANCISCO, March 18, 1897.

To the President of the State Senate, Sacramento, Cal.:

DEAR SIR: A pure food congress is to be held in this city, at the Chamber of Commerce rooms, to convene Friday, April 30th, at 10 A. M. Delegates to the said congress are to be invited from various parts of the State. You are most respectfully invited to attend the said congress, and a general invitation is extended to the members of the Senate, as it is desired to arrange for a systematic method of enforcing the laws against adulteration in foods throughout this State.

The Board of Health of San Francisco has done great work in this regard, but this movement is so vast in its bearing upon the health as well as the industries of our State,

that it is desired that the members of the Legislature from different parts of the State will interest themselves in the proposed congress.

Trusting that this will be laid before your Senate, and that a good representation will be present at the congress, we remain,

Yours very truly,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.
By ISIDOR JACOBS, Committee on Correspondence.

RESOLUTION.

Senator Chapman offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 897, 213, 729, 340, 231, and 277 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—30.

NOES—None.

SPECIAL ORDER—REMAINDER OF SPECIAL URGENCY FILE—CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 897—An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, and to provide compensation for such services.

Bill read second and third times.

The roll was called, and Assembly Bill No. 897 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Chapman, Denison, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, Voorheis, Withington, and Wolfe—31.

NOES—None.

Title read and approved.

Assembly Bill No. 213—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of The Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 213 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dwyer, Franck, Gillette, Gleaves, Henderson, Langford, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Withington, and Wolfe—26.

NOES—None.

Title read and approved.

Assembly Bill No. 327—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs by transportation companies in the State of California, and fixing a penalty for failure to comply therewith.

The bill having been read third time on a previous day, the question was on its final passage.

The roll was called, and Assembly Bill No. 327 finally passed by the following vote:

AYES—Senators Androus, Beard, Chapman, Doty, Dwyer, Gillette, Hall, Holloway, Langford, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—21.

NOES—Senators Aram, Bert, Bulla, Denison, Feeney, Franck, Gleaves, Henderson, Jones, Linder, Mahoney, Shine, and Shippee—13.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Morehouse gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 327 was this day finally passed.

POINT OF ORDER.

Senator Seawell made the point of order that a notice of reconsideration to be made to-morrow was out of order, according to the Senate rules.

The President ruled the point well taken.

MOTION TO RECONSIDER.

Senator Morehouse moved that the vote whereby Assembly Bill No. 327, this day finally passed, be reconsidered.

On motion of Senator Bulla, the motion of Senator Morehouse to reconsider was postponed until twelve o'clock M. to-day.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 340—An Act making an appropriation to pay the claim of Clement Bennett, for reporting the case of The Southern Pacific Company vs. The Board of Railroad Commissioners.

Bill read second and third times.

The roll was called, and Assembly Bill No. 340 finally passed by the following vote:

AYES—Senators Aram, Bert, Bulla, Denison, Doty, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Mahoney, Pedlar, Simpson, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—22.

NOES—Senator Luchsinger—1.

Title read and approved.

Assembly Bill No. 277—An Act to amend Section 3766 of the Political Code of the State of California, relating to the publication of the delinquent tax list.

Bill read second and third times.

The roll was called, and Assembly Bill No. 277 refused final passage by the following vote:

AYES—Senators Mahoney, Stratton, and Withington—3.

NOES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Prisk, Shine, Simpson, Smith, and Wolfe—23.

CONSIDERATION OF BILL OUT OF ORDER.

*On motion of Senator Simpson, Assembly Bill No. 796 was taken up and considered out of order.

Assembly Bill No. 796—An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts, organized under and in pursuance of an Act of the Legislature of the State of California entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water whereby for irrigation purposes," approved March 7, 1887, and to provide for the payment of such bonds.

The vote whereby Assembly Bill No. 796 was on yesterday finally passed having been reconsidered on yesterday, the question recurred on its final passage.

The roll was called, and Assembly Bill No. 796 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Trout, Voorheis, and Withington—30.

NOES—None.

Title read and approved.

Assembly Bill No. 231—An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery.

Bill read second and third times.

The roll was called, and Assembly Bill No. 231 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—34.

NOES—None.

Title read and approved.

At eleven o'clock A. M. Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 410—An Act to provide for the payment of claims against the State of California, arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor.

Bill read second and third times.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Withington moved a call of the Senate, at eleven o'clock and forty minutes A. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Withington.

The Secretary then announced that Senators Wolfe and Aram were the only Senators absent without leave.

The President pro tem. directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate..

At eleven o'clock and fifty-five minutes A. M., Senator Wolfe was brought before the bar of the Senate.

On motion of Senator Bert, Senator Wolfe was excused for absence.

On motion of Senator Voorheis, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President pro tem. then announced that Assembly Bill No. 410 was refused final passage by the following vote:

AYES—Senators Androus, Aram, Beard, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Holloway, Jones, Langford, Linder, Pedlar, Shine, Shippee, Simpson, and Smith—19.

NOES—Senators Bert, Boyce, Braunhart, Bulla, Dwyer, Gillette, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Stratton, Trout, Voorheis, and Withington—16.

EXPLANATION OF VOTE.

Senator Bulla explained his vote upon Assembly Bill No. 410, as follows:

I vote no.

First—Because a large proportion of these claims are fraudulent.

Second—Because a large proportion of these claims are held by persons who purchased them at prices far below their face value.

Third—Because it is beyond the ability or power of the State Board of Examiners to ascertain what claims are fraudulent and what just.

Fourth—If a bill were drawn making an appropriation to pay to the present holders of these claims the amounts which they paid for them, I should vote for it, but I decline to vote away nearly \$300,000 of the people's money to pay claims a part of which are admittedly fraudulent, and most of the remainder are held by persons who paid but a small fraction of their face value for them.

BULLA.

NOTICE OF MOTION TO RECONSIDER.

Senator Withington gave notice that at two o'clock P. M. of this day he would move a reconsideration of the vote whereby Assembly Bill No. 410 was this day refused final passage.

RECALL OF BILL FROM ENROLLMENT.

On motion of Senator Aram, Senate Bill No. 460—An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State—was ordered recalled from enrollment for correction.

RECONSIDERATION.

In compliance with his notice given this day, Senator Morehouse moved a reconsideration of the vote whereby Assembly Bill No. 327 was finally passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Denison, Dickinson, Feeney, Franck, Gleaves, Henderson, Jones, Langford, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, Trout, and Voorheis—25.

NOES—Senators Braunhart, Chapman, Doty, Dwyer, Gillette, Holloway, La Rue, Withington, and Wolfe—9.

At twelve o'clock M. Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Assembly Bill No. 327—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs by transpor-

tation companies in the State of California, and fixing a penalty for failure to comply therewith.

The question recurring on the final passage of the bill.

The roll was called, and Assembly Bill No. 327 refused final passage by the following vote:

AYES—Senators Beard, Brauhart, Doty, Dwyer, Gillette, Hall, Holloway, La Rue, Luchsinger, Seawell, Smith, Toner, Withington, and Wolfe—14.

NOES—Senators Androus, Aram, Bert, Bulla, Denison, Dickinson, Feeney, Franck, Gleaves, Henderson, Jones, Langford, Linder, Mahoney, Morehouse, Shine, Shippee, Simpson, Trout, and Voorheis—20.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 842—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 842 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Chapman, Dickinson, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Toner, Trout, Withington, and Wolfe—25.

NOES—Senators Brauhart and Denison—2.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 824—An Act to empower the Common Council, Board of Trustees, Board of Supervisors, or other legislative or governing body of cities, or cities and counties, having a population of over one hundred thousand, to pension the widows of firemen—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 450—An Act to amend Sections 2, 3, 9, and 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof and supplementary thereto.

Also: Senate Bill No. 707—An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities.

Have had the same under consideration, and respectfully report the same back without recommendation.

GILLETTE, Chairman.

Assembly Bill No. 824 read first time, and ordered on file for second reading.

Senate Bills Nos. 450 and 707 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Withington, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to request your honorable body to return to the Assembly Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith—for further consideration.

S. J. DUCKWORTH, Chief Clerk.

Senate Bill No. 314 ordered returned to the Assembly, as requested.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Messrs. Leavitt, Anderson, and Mulcrevy a committee on conference on Assembly Bill No. 362—An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Also: On this day concurred in the Senate amendments to Assembly Bill No. 63—An Act to amend an Act approved March 26, 1893, entitled "An Act to create and administer a public school-teachers' annuity and retirement fund in the several counties and cities and counties in the State."

Also: To Assembly Bill No. 892—An Act to amend an Act to provide a system of drainage for agricultural swamp and overflowed lands, approved March 3, 1881, by amending Section 9 thereof.

Also: On this day adopted the report of the conference and free conference committees, and on this day finally passed, as amended by said committees, Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

Also: On March 19th concurred in the Senate amendments to Assembly Bill No. 121—An Act to create and regulate in any city or city and county in this State public warehouses, other than warehouses for the storage of grain or wool, and to enforce warehouse liens.

S. J. DUCKWORTH, Chief Clerk.

Senate Bill No. 136 ordered to enrollment.

CONSIDERATION OF BILL OUT OF ORDER—CASE OF URGENCY—SECOND AND
THIRD READING OF BILL.

On motion of Senator Dickinson, Assembly Bill No. 729 was taken up and considered out of order.

Assembly Bill No. 729—An Act to amend Section 3571 of the Political Code, relating to the repayment of purchase price of land sold which is not the property of the State, and providing for a certificate of restitution to issue when the certificate of purchase to such land has been annulled for non-payment of interest.

Bill read second and third times.

The roll was called, and Assembly Bill No. 729 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Hall, Henderson, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Toner, Trout, Voorheis, and Wolfe—24.

NOES—Senators Beard, Bert, Braunhart, Bulla, and La Rue—5.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Seawell offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 238, 156, and 989 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their final passage.

The roll was called, and the resolution lost by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Henderson, Holloway, Langford, La Rue, Luchsinger, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Voorheis—24.

NOES—Senators Beard, Bulla, Denison, Gillette, Jones, Linder, Pedlar, Shippee, Smith, Withington, and Wolfe—11.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

RECONSIDERATION.

In compliance with his notice given on this day, Senator Withington moved a reconsideration of the vote whereby Assembly Bill No. 410 was refused final passage.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Withington moved a call of the Senate, at two o'clock and seventeen minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

The Secretary then announced that Senators Aram and Beard were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At two o'clock and thirty minutes P. M., Senators Aram and Beard were brought before the bar of the Senate.

On motion of Senator Withington, the Senators were excused for absence.

On motion of Senator Smith, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that the vote whereby Assembly Bill No. 410 was this day refused final passage was reconsidered by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Holloway, Jones, Langford, Linder, Luchsinger, Morehouse, Pedlar, Shine, Shippee, Simpson, Smith, and Withington—23.

NOES—Senators Bert, Braunhart, Bulla, Dwyer, Feeney, Gillette, Hall, Henderson, La Rue, Mahoney, Prisk, Seawell, Stratton, Toner, Trout, Voorheis, and Wolfe—17.

The question recurring on the final passage of the bill.

The roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleave, Holloway, Jones, Langford, Linder, Pedlar, Shine, Shippee, Simpson, Smith, and Withington—20.

NOES—Senators Bert, Boyce, Braunhart, Bulla, Dwyer, Feeney, Gillette, Hall, Henderson, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Stratton, Toner, Trout, Voorheis, and Wolfe—20.

It appearing from the roll call that the vote on the final passage of Assembly Bill No. 410 was a tie vote, Senator Smith requested the President to cast the deciding vote.

The President stated:

Assuming that the statements as to the State Board of Examiners' report in connection with this bill are true; that the whole matter was examined by the Board of Examiners, and acted upon, and this bill drawn by the direction of the Board of Examiners, and the appropriation named in the bill recommended by the board after an investigation of these claims; and further, "that there being no question of the State's obligation to pay all just claims," the Chair will give the casting vote herein, "aye." I will further state that I do this because I think it is a bill that should go to the Governor.

Whereupon the President, exercising his prerogative, voted "aye," and declared Assembly Bill No. 410 finally passed.

Whereupon the following proceedings were had:

Senator Morehouse: "A point of order, Mr. President."

Lieutenant-Governor Jeter: "State your point of order."

Senator Morehouse: "Under Section 15 of Article IV of the Constitution of the State of California, every bill must receive a majority vote of all the members elected to either house. That is the Constitution, and under these circumstances, I desire to call the attention of the President of this body to it."

Senator Simpson: "Mr. President, I desire to make this point in answer to the gentleman from Santa Clara: That by virtue of his office, having been elected or appointed as Lieutenant-Governor of the State of California, the President of this body is, for the purposes of casting an untieing vote, a member of this body, and has a right to cast that vote. That is strictly in accordance with the Constitution of this State."

Lieutenant-Governor Jeter: "Whatever there is in the point made by Senator Morehouse, some other tribunal than this will have to pass upon; the Chair will not assume to pass upon it."

Senator Morehouse: "I refer especially to the last few lines of the section, which is Section 15 of Article IV, as I stated before: 'Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills, they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.'"

Lieutenant-Governor Jeter: "The record will show the fact."

Senator Morehouse: "That is all I want."

Lieutenant-Governor Jeter: "The record does show that there were twenty votes for the bill and twenty votes against the bill, other than the vote of the Chair. You will have the benefit of the point, but I shall not pass upon it."

Senator Simpson: "I suppose the only point involved in that is, that the Senator from Santa Clara wanted to bring that to the attention of the presiding officer of this body, and if he passed upon it as a finality, that he would refuse to certify it to the Governor. I think it should be certified to the Governor, and let the Governor take the responsibility."

Senator Morehouse: "All right. I simply want the record to show the facts. That is all."

Lieutenant-Governor Jeter: "The Chair is not inclined to shirk any responsibility that devolves upon him, but does not propose to assume that which belongs to somebody else."

Title read and approved.

SPECIAL ORDER.

Assembly Bill No. 872—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in the State.

During the second reading of the bill the following amendments were submitted:

By Senator Simpson:

Amend by striking out of Section 1, line 21, the word "two," and inserting in lieu thereof the following: "three."

Amendment adopted.

By Senator Bulla:

Amend by striking out of Section 1, line 36, the words "by more than one," and make "defendant" "defendants," in line 37.

Amendment adopted.

Also: Amend by striking out of Section 1, line 162, the word "three," and inserting in lieu thereof the following: "two."

Amendment adopted.

MOTION.

Senator Seawell moved that the bill be laid on the table.

AYES AND NOES.

On the motion to lay on the table, the ayes and noes were demanded by Senators Seawell, Androus, and Bert.

The roll was called, and the motion carried by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Franck, Holloway, Jones, La Rue, Morehouse, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Trout, and Withington—19.

NOES—Senators Aram, Bert, Boyce, Dwyer, Flint, Gillette, Glcaves, Hall, Henderson, Linder, Luchsinger, Mahoney, Pedlar, Toner, Voorheis, and Wolfe—16.

PROTEST.

The following protest was received and ordered printed in the Journal:

The undersigned desire a protest entered in the Journal of this day against the vote by which Assembly Bill No. 327 was defeated, for the following reasons:

That said bill duly passed the Senate at the morning session by a vote of 21 to 13; that after the passage of said bill, Senator Morehouse moved a reconsideration of the same, to which objection was made under Rule XXXII of the standing rules of the Senate, on the ground that no such motion could be made on this day, this being the day preceding the last day of the session as fixed by joint resolution heretofore adopted by both the Senate and Assembly.

That no motion can be made to reconsider any vote passed on this day, and for that reason the reconsideration of that vote was unlawful, against the rules of the Senate, and the action taken on the bill at the morning session when it passed the Senate by a vote of 21 to 13 was final.

LA RUE.
SEAWELL.

RESOLUTION—(OUT OF ORDER).

Senator Voorheis offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 989 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Simpson, Stratton, Trout, Voorheis, Withington, and Wolfe—28.

NOES—None.

CASE OF URGENCY—SECOND AND THIRD READING OF BILL.

Assembly Bill No. 989—An Act making an appropriation to pay the printing expenses of the thirty-second session of the Legislature.

Bill read second and third times.

The roll was called, and Assembly Bill No. 989 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Holloway, Jones, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Stratton, Trout, Voorheis, and Wolfe—28.

NOES—None.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Simpson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to request your honorable body to return to the Assembly Senate Bill No. 460—An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State—for further consideration.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bill No. 460 ordered returned to the Assembly, as requested by that body.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the 17th day of March passed Substitute for Senate Bill No. 303—An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

Also: On the 18th day of March passed Senate Bill No. 513—An Act to provide for the construction of a State highway, or wagon road, from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

Also: Refused to pass Senate Bill No. 451—An Act to require ordinances and resolutions, passed by the City Council or other legislative body of any municipality, to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Also: On March 19th passed Senate Bill No. 591—An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.

Also: Adopted Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 7½, Article XI thereof, providing for the framing by the inhabitants of counties of local county government acts for their own government.

Also: Senate Constitutional Amendment No. 44—Proposing a Court of Claims.

Also: Assembly Constitutional Amendment No. 34—Proposed amendment to Article IV of the Constitution, relative to the sessions of the Legislature.

Also: Assembly Constitutional Amendment No. 36—Proposition to amend Section 15 and Section 16 of Article V of the Constitution of the State of California.

S. J. DUCKWORTH, Chief Clerk.

Substitute for Senate Bill No. 303, and Senate Bills Nos. 513 and 591, and Senate Constitutional Amendments Nos. 10 and 44, ordered to enrollment.

Assembly Constitutional Amendment No. 34 and Assembly Constitutional Amendment No. 36 ordered on file without reference to committee.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of the committee on conference was received and read:

SACRAMENTO, March 19, 1897.

MR. PRESIDENT: The undersigned, a conference committee, appointed by the Senate to confer with a like committee appointed on the part of the Assembly, with reference to disagreement on Assembly Bill No. 937, respectfully report, recommending:

That the Assembly concur in striking from lines 28 and 29, Section 1, "\$9,600," and inserting "\$7,200."

Also: Strike out lines 40 and 41, Section 1, and insert instead "for salary of phonographic reporters of Supreme Court, \$10,800."

Also: Strike from lines 42 and 43, "\$2,400" and insert "\$3,000."

That the Senate recede from striking out, in lines 227 and 228, Section 1, page 7, "\$32,000," and inserting "\$47,500."

That Assembly concur in appropriation for one additional company National Guard, and one company Naval Reserve, lines 240 to 248 inclusive.

That Assembly concur in line 255, Section 1, page 8, striking out "\$40,000" and inserting "\$30,000," for National Guard encampment.

That the Senate recede from its amendment in lines 255 to 262, inclusive, providing for \$40,000 revolving fund for State text-books.

That Assembly concur in Senate amendments segregating salaries from maintenance of public institutions.

That Assembly concur in lines 354 and 357, inclusive, Section 1, page 11, increasing allowance for San Quentin Prison \$24,000.

That Assembly concur in increasing allowance for improvements of grounds State Normal School, San José, from \$2,500 to \$5,000.

That Assembly concur in increasing allowance for improvement of grounds State Normal School, Los Angeles, from \$2,000 to \$3,000.

That Assembly concur in increasing allowance for restoration and preservation of fish, from \$15,000 to \$20,000. .

That Assembly concur in striking out line 440, for pure-wine labels.

That Assembly concur in increasing allowance for maintenance of State hatcheries, from \$15,000 to \$20,000, lines 449 and 450.

That Assembly concur in insertion of lines 468 to 475 inclusive, as follows: Inserting in Section 1, between 487 and 488 the words "for salaries of the commissioners for the Department of Highways, \$18,000; for the salary of secretary of Department of Highways, \$3,000; for salary of the stenographer of Department of Highways, \$2,400; for traveling and contingent expenses of Department of Highways, \$8,500."

That the Senate recede from the amendment reducing the allowance to the State Agricultural Society, from \$40,000 to \$35,000.

That Assembly concur in amendment increasing the allowance to Agricultural Society No. 7, from \$2,000 to \$3,000.

That the Senate recede from its amendment increasing the allowance to Agricultural Society No. 12, from \$3,000 to \$3,500.

That Assembly concur in increasing the allowance to Agricultural District No. 24, from \$2,000 to \$3,000.

That Assembly concur in reducing the allowance to Agricultural District No. 35, from \$4,000 to \$3,500.

That Assembly concur in reducing the allowance to Agricultural District No. 38, from \$3,000 to \$2,000.

That Assembly concur in the amendment to Section 4, transposing the words "without the consent of the State Board of Examiners."

That Assembly concur in Senate amendments to Section 5, striking from line 5 the word "unanimous"; striking from line 6 the words "every member" and inserting in lieu thereof the words "a majority thereof"; and in striking out all of Section 5 after the word "appropriation," in line 12.

That the Senate recede from amendment "a," to strike from page 3, Section 1, line 56, the word "ten," and insert instead the word "five."

VOORHEIS,
PRISK,
ARAM,
Senate Committee.

GUY,
SIMS,
SHANAHAN,
Assembly Committee.

Senator Voorheis moved that the report be adopted.

The roll was called, and the report of the committee on conference adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Brauhart, Chapman, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—27.

NOES—Senator Withington—1.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

On motion of Senator Withington, the Senate proceeded to consider the special urgency file.

Assembly Bill No. 208—An Act making an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for the Insane and Inebriates, for the forty-seventh fiscal year.

Bill read second and third times.

The roll was called, and Assembly Bill No. 208 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Chapman, Denison, Doty, Dwyer, Flint, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Shine, Stratton, Toner, Trout, Voorheis, and Withington—25.

NOES—None.

Title read and approved.

Assembly Bill No. 216—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the forty-sixth fiscal year.

Bill read second and third times.

The roll was called, and Assembly Bill No. 216 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Brauhart, Chapman, Denison, Doty, Flint, Frank, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Morehouse, Prisk, Seawell, Shippee, Stratton, Toner, Voorheis, and Withington—24.

NOES—None.

Title read and approved.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 19, 1897. }

To the honorable Senate of the State of California:

I hereby nominate Dr. J. F. Morse, of San Francisco, a member of the State Board of Health, vice Dr. Winslow Anderson, term expired, and request your consent to his appointment.

Also: Dr. D. D. Crowley, of Alameda County, a member of the State Board of Health, vice P. C. Remondino, term expired, and request your consent to his appointment.

Also: Dr. C. W. Nutting, of Siskiyou County, a member of the State Board of Health, vice himself, term expired, and request your consent to his appointment.

Also: Dr. C. A. Ruggles, of San Joaquin County, a member of the State Board of Health, vice himself, term expired, and request your consent to his appointment.

Also: Dr. R. W. Hill, of Los Angeles, a member of the State Board of Health, vice Dr. J. H. Davison, term expired, and request your consent to his appointment.

Also: Dr. W. P. Mathews, of Sacramento, a member of the State Board of Health, vice Dr. J. R. Laine, term expired, and request your consent to his appointment.

Also: Dr. A. M. Henderson, of Sacramento, a member of the State Board of Health, vice Dr. W. F. Wiard, term expired, and request your consent to his appointment.

JAMES H. BUDD, Governor.

Referred to the Committee on Executive Communications and Nominations.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 19, 1897. }

To the honorable Senate of the State of California:

I hereby nominate J. J. O'Brien, of San Francisco, Director of the California Home for the Care and Training of Feeble-Minded Children, vice P. W. Lougee, term expired, and request your consent to his appointment.

Also: A. P. Overton, of Santa Rosa, Director of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired, and request your consent to his appointment.

JAMES H. BUDD, Governor.

Referred to the Committee on Executive Communications and Nominations.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 221—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker for the arrest and conviction of Ed. Ward.

Bill read second and third times.

The roll was called, and Assembly Bill No. 221 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Chapman, Denison, Doty, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington—24.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 77—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Also: Senate Bill No. 48—An Act to provide for additions and improvements to the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

Also: Senate Bill No. 56—An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor.

Also: Senate Bill No. 205—An Act making an appropriation to pay for advertising the constitutional amendments for 1894.

Also: Senate Bill No. 386—An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.

Also: Senate Bill No. 430—An Act for the relief of W. C. Guirey.

Also: Senate Bill No. 642—An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor.

Also: Senate Bill No. 643—An Act to pay the claim of the County of Napa, and making an appropriation therefor.

Also: Senate Bill No. 697—An Act making an appropriation to pay the claim of the Southern Pacific Company.

Also: Senate Bill No. 389—An Act making an appropriation for the erection of an additional building for the State Normal School at Chico.

Also: Senate Bill No. 694—An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

Also: Substitute for Senate Bill No. 321—An Act to establish the Polytechnic Institute of California in San Luis Obispo County, California, and making an appropriation therefor.

Also: Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Also: Senate Bill No. 259—An Act to appropriate money for the uses of the State Board of Horticulture.

And presented the same to the Governor on this day, at twelve o'clock and thirty minutes P. M.

JONES, Chairman.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 222—An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.

Bill read second and third times.

The roll was called, and Assembly Bill No. 222 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Dickinson, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, Trout, and Withington—23.

NOES—None.

Title read and approved.

Assembly Bill No. 239—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Bill read second and third times.

The roll was called, and Assembly Bill No. 239 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Chapman, Dickinson, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Toner, Trout, and Withington—30.

NOES—Senator Boyce—1.

Title read and approved.

Assembly Bill No. 211—An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1889, page 7.

Bill read second and third times.

The roll was called, and Assembly Bill No. 211 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Braunhart, Bulla, Chapman, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Stratton, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Assembly Bill No. 219—An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations for the forty-sixth fiscal year.

Senator Voorheis moved that the bill be denied second reading.

The question being, "Shall the bill be read second time?"

The roll was called, and the bill granted second reading by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Chapman, Doty, Dwyer, Franck, Gillette, Gleaves, Henderson, Jones, La Rue, Morehouse, Prisk, Smith, Stratton, Withington, and Wolfe—20.

NOES—Senators Denison, Dickinson, Holloway, Trout, and Voorheis—5.

Bill read second and third times.

The roll was called, and Assembly Bill No. 219 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Franck, Gillette, Gleaves, Henderson, Holloway, Jones, La Rue, Morehouse, Prisk, Seawell, Stratton, Withington, and Wolfe—21.

NOES—Senators Luchsinger, Trout, and Voorheis—3.

Title read and approved.

Assembly Bill No. 214—An Act making an appropriation to pay the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.

Bill read second and third times.

The roll was called, and Assembly Bill No. 214 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Gleaves, Holloway, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Smith, Stratton, and Trout—21.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

Senator Voorheis asked for and was granted a leave of absence for one hour.

At four o'clock and five minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 236—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners.

Bill read second and third times.

The roll was called, and Assembly Bill No. 236 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Henderson, Jones, La Rue, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Trout, and Withington—25.

NOES—None.

Title read and approved.

Assembly Bill No. 220—An Act making an appropriation to pay the deficiency in the appropriation for care of State burial grounds, for services rendered by W. C. Farnsworth.

Bill read second and third times.

The roll was called, and Assembly Bill No. 220 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Henderson, Jones, Morehouse, Prisk, Seawell, Simpson, Smith, Stratton, Trout, and Withington—21.

NOES—None.

Title read and approved.

Assembly Bill No. 227—An Act making an appropriation to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895.

During the second reading of the bill, the following amendments were submitted by the committee:

Amend by striking out of Section 1, lines 1 and 2, printed bill, the words "five hundred and forty-nine dollars and fifty cents," and inserting the following: "four hundred and forty-one dollars."

Amendment adopted.

Also: Amend by striking out of Section 1, line 6, printed bill, the word "two," and inserting the following: "one."

Amendment adopted.

Also: Amend by striking out of Section 1, lines 12 and 13, printed bill, the words "twenty-five dollars and fifty cents," and inserting the following: "seventeen dollars."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Assembly Bill No. 210—An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy in conveying children to Whittier.

Bill read second and third times.

The roll was called, and Assembly Bill No. 210 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Dickinson, Doty, Flint, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Trout, and Withington—21.

NOES—None.

Title read and approved.

Assembly Bill No. 218—An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard.

Bill read second and third times.

The roll was called, and Assembly Bill No. 218 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Morehouse, Prisk, Seawell, Shippee, Smith, Stratton, Trout, and Withington—24.

NOES—None.

Title read and approved.

Assembly Bill No. 108—An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates, for the remainder of the forty-eighth fiscal year.

Bill read second and third times.

The roll was called, and Assembly Bill No. 108 finally passed by the following vote:

AYES—Senators Androus, Aram, Boyce, Bulla, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Jones, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Smith, Stratton, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Assembly Bill No. 478—An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor, during the year 1894.

Bill read second and third times.

The roll was called, and Assembly Bill No. 478 finally passed by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Jones, Luchsinger, Morehouse, Pedlar, Seawell, Shippee, Smith, Stratton, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Assembly Bill No. 288—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture, etc.

Bill read second and third times.

The roll was called, and Assembly Bill No. 288 finally passed by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Flint, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Morehouse, Pedlar, Seawell, Shine, Smith, Stratton, and Trout—22.

NOES—None.

Title read and approved.

Assembly Bill No. 533—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-eighth fiscal year.

Bill read second and third times.

The roll was called, and Assembly Bill No. 533 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Flint, Gleaves, Hall, Henderson, Jones, Mahoney, Morehouse, Pedlar, Seawell, Smith, Stratton, Trout, and Withington—22.

NOES—None.

Title read and approved.

Assembly Bill No. 534—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the forty-seventh fiscal year.

Bill read second and third times.

The roll was called, and Assembly Bill No. 534 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Hall, Henderson, Jones, Mahoney, Morehouse, Pedlar, Seawell, Smith, Stratton, Trout, Withington, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 535—An Act making an appropriation to pay the deficiency in the appropriation for office rent of the Attorney-General, in San Francisco, for the forty-eighth fiscal year.

Bill read second and third times.

The roll was called, and Assembly Bill No. 535 finally passed by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Holloway, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Stratton, Trout, Withington, and Wolfe—23.

NOES—None.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Bulla offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 318, 979, 228, 235, 223, 248, 437, 156, 271, 958, 230, 237, 226, 245, 646, 207, 161, 231, 248, 250, 262, 340, 240, 213, 948, 241, 269, 242, 735, 717, 312, 932, 402, and 5 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Seawell, Smith, Stratton, Toner, Trout, Withington, and Wolfe—31.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

On motion of Senator Luchsinger, Assembly Bill No. 241 was taken up and considered.

Assembly Bill No. 241—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.

Bill read third time.

Senator Luchsinger moved that Senator Trout be appointed a special committee of one to amend as follows:

Strike out in Section 1, line 1, the word "eleven," and insert the word "eight"; also, in line 6, same section, strike out the words "one thousand," and insert the words "seven hundred."

Motion lost.

The roll was called, and Assembly Bill No. 241 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shine, Smith, and Wolfe—26.

NOES—Senators Holloway, Jones, Morehouse, Stratton, Trout, and Withington—6.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Voorheis, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Assembly Bill No. 990 read first time, and referred to the Committee on Finance.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 419.

On motion of Senator Boyce, Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor—was taken up for consideration of Assembly amendments.

AMENDMENT No. 1.

Amend title so as to read "to provide proper ventilation, temperature regulation, and sanitation of the State Capitol building, and making an appropriation therefor."

AMENDMENT No. 2.

Amend by striking out of Section 1, line 4, after the word "commissioners," balance of line 4, line 5, all of line 6, except the words "to provide proper."

Senator Boyce moved that the Senate concur in the foregoing Assembly amendments to Senate Bill No. 419.

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 419?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Trout, Withington, and Wolfe—27.

NOES—None.

AMENDMENT No. 3.

Amend by striking out of Section 1, line 1, the word "sixty," and inserting the following: "seventy-five."

Senator Braunhart moved that the Senate do not concur in the foregoing Assembly amendment to Senate Bill No. 419.

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 419?"

The roll was called, and the Senate refused to concur in the foregoing amendment by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Chapman, Denison, Dickinson, Doty, Dwyer, Hall, Henderson, Linder, Mahoney, Seawell, and Wolfe—15.

NOES—Senators Beard, Braunhart, Bulla, Franck, Gillette, Gleaves, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Prisk, Simpson, Smith, Stratton, Trout, and Withington—18.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 948—An Act for the relief of John Mullan, and to appropriate money therefor.

Bill read third time.

The roll was called, and Assembly Bill No. 948 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Simpson, Smith, Toner, Voorheis, Withington, and Wolfe—30.

NOES—None.

Title read and approved.

Assembly Bill No. 161—An Act to pay the claim of W. H. Donnelly against the State of California, and making an appropriation therefor.

Bill read second and third times.

The roll was called, and Assembly Bill No. 161 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Hall, Holloway, La Rue, Pedlar, Prisk, Seawell, Simpson, and Smith—21.

NOES—Senators Bulla, Gillette, Stratton, and Trout—4.

Title read and approved.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

On motion of Senator Dickinson, Assembly Concurrent Resolution No. 6 was taken up for consideration.

Assembly Concurrent Resolution No. 6 read, as follows:

ASSEMBLY CONCURRENT RESOLUTION No. 6.

Appointing Senators Dickinson, Gillette, and Seawell, members of the Senate, and Assemblymen Price, Denny, and Caminetti, members of the Assembly, a joint committee of the Senate and Assembly to examine into and report upon the charges made by the Governor, relative to the management and conduct of the State Printer's Office, in his message to the Assembly of February 9th, 1897, setting forth his reasons for vetoing Assembly Bill No. 263, and to examine into and report upon the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office, and to examine into and report upon the necessity for an appropriation for the support of and to carry on

the business of the State Printing Office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose.

Resolved by the Assembly of the State of California, the Senate concurring, That Senators Dickinson, Gillette, and Seawell, members of the Senate, and Assemblymen Price, Denny, and Caminetti, members of the Assembly, be and they hereby are appointed as a joint committee of the Senate and Assembly to examine into and report upon all matters connected with or in any way pertaining to the charges and statements made by the Governor of this State relative to the management and conduct of the business and affairs of the State Printing Office, in his veto message to the Assembly of February the ninth, eighteen hundred and ninety-seven, accompanying Assembly Bill No. 263, entitled "An Act making an appropriation for the support of the State Printing Office for the forty-eighth fiscal year"; and to examine into and report upon all matters and things in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office, and to examine into and report upon the necessity for an appropriation for the support of and to carry on the business of the State Printing Office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose, and to further report such legislative measures as may be deemed necessary to insure a strictly economical administration of the affairs of said State Printing Office.

Resolved, That said joint committee be, and it hereby is, authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; and that said joint committee be, and it hereby is, authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said joint committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of article eight of chapter two, title one, part three, of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof," shall apply to the joint committee appointed under this resolution, and that the Sergeant-at-Arms of either the Senate or the Assembly is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by the chairman of the said joint committee when directed to do so by the said chairman.

There shall be two printing experts and two accountants employed by the said joint committee or commission; one printing expert to be named by the majority of said committee and one by the minority, and one accountant by the majority and one by the minority.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Franck, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Simpson, Smith, Stratton, Toner, and Trout—26.

NOES—Senators Gillette, Prisk, and Seawell—3.

Resolution ordered immediately transmitted to the Assembly.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Pedlar offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION No. 11.

WHEREAS, George Berger was employed as a Messenger between the Senate and Assembly during this thirty-second session; and

WHEREAS, On the 12th day of February, 1897, he met with an accident in the Capitol building, in falling from the second floor to the first, endangering his life, and entailing the expense of sickness; and

WHEREAS, The said accident occurred while in the discharge of his duties as such Messenger; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the said George Berger be paid the sum of sixty dollars, being the amount which he would have been entitled to had such accident not happened; one half of said amount to be paid from the Contingent Fund of the Senate and one half from the Contingent Fund of the Assembly. The Controller is hereby directed to draw his warrants for said amounts on said funds in favor of said George Berger, and the Treasurer is directed to pay the same.

On motion of Senator Pedlar, it was acted upon without reference to committee.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Luchsinger, Pedlar, Prisk, Seawell, Simpson, Stratton, Trout, and Withington—26.

NOES—None.

COMMUNICATION—(OUT OF ORDER).

The following telegram was received, read, and ordered printed in the Journal:

SAN FRANCISCO, CAL., March 19, 1897.

Lieutenant-Governor WILLIAM T. JETER, President of the Senate, Sacramento:

The Assembly has done a righteous act in passing Assembly Bill No. 958. Will the patriotic Senate, before it adjourns, second the efforts to relieve a California veteran educator? Senators, put yourselves in Pelton's place.

E. B. Pond, Irving M. Scott, W. R. Montague, T. W. Marshall, Charles Sonntag, J. A. Fischer, L. F. Rowell, John Perry Jr., George T. Gaden, William C. Little, A. L. McPherson, John T. Merrill, Van R. Paterson.

RESOLUTION—(OUT OF ORDER).

Senator Morehouse offered the following resolution:

Resolved, That George A. Leon be and is hereby allowed the sum of \$70, being the difference between the amount allowed him by previous resolution and the amount fixed by statute for compensation at the Secretary's desk, where service was performed. The Controller is directed to draw his warrant in favor of George A. Leon for said sum, and the Treasurer to pay the same out of the Contingent Fund of the Senate.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

At five o'clock and thirty-five minutes P. M., on motion of Senator Mahoney, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Brauhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Withington.

Quorum present.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 274—An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295 85) to pay the claim of Tribune Printing Company against the State.

Also: Senate Bill No. 315—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Also: Senate Bill No. 318—An Act to provide for the protection and preservation of public highways from damage by storm-waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

Also: Senate Bill No. 340—An Act to provide for the purchase of additional land for the Preston School of Industry, at Ione.

Also: Senate Bill No. 363—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, southward from its present southerly terminus, near the foot of Mission Street, on the waterfront of the City and County of San Francisco.

Also: Senate Bill No. 483—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Senate Bill No. 493—An Act to pay the claim of E. N. Strout for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same.

Also: Senate Bill No. 507—An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.

Also: Senate Bill No. 612—An Act to amend Section 7 of "An Act authorizing corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Senate Bill No. 644—An Act to pay the claim of the County of Tehama, and making an appropriation therefor.

Also: Senate Bill No. 645—An Act to pay the claim of the County of Monterey, and making an appropriation therefor.

Also: Senate Bill No. 647—An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims.

Also: Senate Bill No. 689—An Act to promote the horticultural interests of the State, by providing county boards of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Also: Senate Bill No. 700—An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds.

Also: Adopted Senate Concurrent Resolution No. 11—Relative to the employment of electricians for the remainder of the session.

Also: Senate Bill No. 351—An Act entitled "An Act to amend Section 1196 of the Political Code, relating to elections."

And presented the same to the Governor, on this day, at five o'clock P. M.

JONES, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Pacific Postal Telegraph-Cable Company, in the sum of 93 cents, in payment of a telegram under direction of the Sergeant-at-Arms, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Holloway, Jones, Mahoney, Morehouse, Frisk, Seawell, Shippee, Simpson, Toner, Trout, Withington, and Wolfe—23.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolutions:

Resolved, That the Minute Clerk and his assistants be and they are hereby directed and instructed to remain over at the State Capitol after the adjournment of the thirty-second session of the Legislature *sine die*, for a sufficient time to rearrange, mark, and label the original minutes of the Senate (which are required to be filed with the Secretary of State), and deliver the same, after being so rearranged, marked, and labeled, to the Secretary of State.

Resolved, That in addition to the above, they mail to each Senator and Representative, postage paid, two copies of the Senate Journal containing the proceedings of the closing day of this thirty-second session, and that they deliver to each State officer five copies of said Journal.

Resolved, That the Minute Clerk and his assistants be and they are hereby each allowed the sum of \$100 for the above work, to be done by them after the final adjournment of this body, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is hereby directed and authorized to pay the same.

Also: *Resolved*, That the Controller be directed and authorized to draw his warrant in favor of A. D. Bowen, Assistant Secretary of the Senate, for \$50, payable out of the Contingent Fund of the Senate, in payment for extra service at the close of the session,

in delivering to Secretary of State bills, papers, and other matters that are required by law, the said sum being the same as paid the Secretary and other Assistant Secretaries, and provided for by statute.

Also: *Resolved*, That Theodore A. Simpson, Journal Clerk of the Senate, and E. E. Carter and George G. Radcliff, his assistants, be and they are hereby employed after the final adjournment of the thirty-second session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Senate, in comparing and correcting the Journals of the Senate, and comparing and delivering the corrected and approved Journals and the five bond copies of the same (as required by law) to the Secretary of the Senate, when completed, and that they each be allowed pay for one week from and after the final adjournment of the thirty-second session of the Legislature, at the same per diem as they are now receiving, payable out of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Also: *Resolved*, That the Sergeant-at-Arms of the Senate, and such additional attachés as he may deem necessary, and shall select and appoint, but not to exceed Bookkeeper and one of the Bill Clerks of the Senate, be authorized to remain one week after the adjournment of the present session, for the purpose of locating, marking, and storing the furniture and other property of the State, and to dispose of all the bills, at the same per diem as now received, the same to be payable out of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrant for the same.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following substitute resolution:

Resolved, That A. D. Bowen, Secretary of the Senate; John I. Childs, F. H. McConnell, and W. R. Porter, Minute Clerks; Theodore A. Simpson, E. E. Carter, and George G. Radcliff, Journal Clerks; and Leshe Blackburn, Sergeant-at-Arms, be and they are hereby appointed and authorized to continue their respective duties as such officers after the adjournment of the thirty-second session of the Senate, performing all the services as outlined in the preceding resolution, respectively, and faithfully performing all such services according to said respective resolution; they shall make their final report to the Secretary of the Senate, who shall certify to the faithful performance of such labors, which certificate shall be presented to the Controller, who is hereby directed to draw his warrants in the sums of \$50 in favor of each of the above-named attachés, respectively. The said sums to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed and authorized to pay the same.

HOLLOWAY, Chairman.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Withington moved a call of the Senate, at eight o'clock and twenty-four minutes p. m.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Mahoney, Morehouse, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe.

The Secretary then announced that Senators Bert, Flint, Langford, La Rue, Linder, Luchsinger, Pedlar, Prisk, Smith, and Voorheis were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At eight o'clock and thirty-five minutes p. m., Senators Linder and Pedlar were brought before the bar of the Senate.

The Senators were excused for absence.

On motion of Senator Seawell, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that the resolution was adopted by the following vote:

AYES—Senators Andrews, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—32.

NOES—None.

QUESTION OF PRIVILEGE.

Senator Seawell arose to a question of privilege, and spoke in regard to statements made on the floor of the Assembly by Mr. Dibble, a member of that body, in the consideration of Senate Bill No. 113, which imputed to him a personal interest in the passage of the bill.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred communications from Governor James H. Budd, making the following nominations:

W. J. Prout, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice D. C. Reed, term expiring March 16, 1897.

William R. Rowland, of Los Angeles, Trustee of the Whittier State School, vice W. C. Patterson, term expired.

P. J. Harney, of San Francisco, member of the Board of State Harbor Commissioners of San Francisco, vice Dan T. Cole, term expired.

Rudolph Herold, Jr., of San Francisco, member of the Board of State Harbor Commissioners of San Francisco, vice F. S. Chadbourne, term expiring March 13, 1898.

J. J. O'Brien, of San Francisco, Director of the California Home for the Care and Training of Feeble-Minded Children, vice F. W. Lougee, term expired.

A. P. Overton, of Santa Rosa, Director of the California Home for the Care and Training of Feeble-Minded Children, vice himself.

Have had the same under consideration, and respectfully report the same back, and recommend that the Senate do advise and consent to said nominations.

WOLFE, Chairman.

On motion of Senator Gleaves, the consideration of the report of the Committee on Executive Communications and Nominations was made a special order for to-morrow, at ten o'clock A. M.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of legislative business of the thirty-second session, embracing a history of bills introduced, their authors, the number that have become laws, those that have been read, the second readings, and all other information that will create a perfect guide and history of the session's business. Together with this shall be the expenses of the Senate and the Assembly, and of printing. Such information being prepared not only for the public, but as a guide for the thirty-third session of the Legislature.

For the purpose of carrying out this work the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon: \$50 of which is to pay for postage and expressage in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe—32.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That Miss Edna Cowan, Postmistress, and Miss I. Erzgraber, Assistant Postmistress, be allowed pay for one week after the final adjournment of the thirty-second

session of the Legislature, for the services to be rendered in receiving and sending mail to its proper post office address; payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant in favor of said parties, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following substitute resolution:

Resolved, That Miss Edna Cowan, Postmistress, and Miss I. Erzgraber, Assistant Postmistress, be and they are hereby appointed and authorized to receive all mail matter in the Sacramento post office, addressed to members and attachés of the thirty-second session of the Senate after its adjournment, and attend to directing and remailing of the same to the proper address, according to instructions furnished them; and the Controller is hereby directed to draw his warrants in favor of Miss Edna Cowan and Miss I. Erzgraber, respectively, in the sum of \$25 each, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

HOLLOWAY, Chairman.

Senator Holloway moved the adoption of the report of the Committee on Attachés, Contingent Expenses, and Mileage.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Withington moved a call of the Senate, at nine o'clock and ten minutes P. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Morehouse, Pedlar, Prisk, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, and Withington.

The Secretary then announced that Senators Bert, Flint, Franck, Langford, La Rue, Luchsinger, Seawell, Voorheis, and Wolfe were the only Senators absent without leave.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

At nine o'clock and fifteen minutes P. M., Senators La Rue, Seawell, Voorheis, Flint, Androus, Luchsinger, Wolfe, and Franck were brought before the bar of the Senate.

On motion of Senator Holloway, the Senators were excused for absence.

On motion of Senator Hall, further proceedings under call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that the report of the Committee on Attachés, Contingent Expenses, and Mileage was adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—37.
NOES—None.

On motion of Senator Voorheis, further consideration of the report of the Committee on Attachés, Contingent Expenses, and Mileage was postponed until to-morrow.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Braunhart, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 692—An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates.

Also: Passed Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.

Also: Passed Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 692, 89, and 87 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day request your honorable body to return to the Assembly for further consideration Senate Bill No. 451—An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

On motion of Senator Braunhart, Senate Bill No. 451 was ordered returned to the Assembly, as requested by that body.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Joint Resolution No. 24—Relative to a bill to increase the salary of letter-carriers—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BEARD.
DWYER.
FEENEY.
WOLFE, Chairman.

Assembly Joint Resolution No. 24 ordered on file.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 228—An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall for attempted highway robbery.

Bill read second and third times.

The roll was called, and Senate Bill No. 228 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Gillette, Gleaves, Hall, Holloway, Jones, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Toner, Trout, and Withington—23.

NOES—None.

Title read and approved.

Assembly Bill No. 230—An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel McGuire for attempted highway robbery.

Bill read second and third times.

The roll was called, and Assembly Bill No. 230 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bulla, Chapman, Denison, Dickinson, Doty, Gillette, Gleaves, Hall, Jones, Morehouse, Pedlar, Seawell, Shine, Shippee, Simpson, Toner, Trout, and Withington—21.

NOES—None.

Title read and approved.

At nine o'clock and thirty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

Assembly Bill No. 235—An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.

Bill read second and third times.

The roll was called, and Assembly Bill No. 235 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Gillette, Gleaves, Hall, Henderson, Jones, Pedlar, Prisk, Seawell, Shippee, Simpson, Trout, and Withington—21.

NOES—None.

Title read and approved.

Assembly Bill No. 237—An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands.

Bill read second and third times.

The roll was called, and Assembly Bill No. 237 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Gillette, Gleaves, Hall, Henderson, Jones, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Toner, and Trout—24.

NOES—None.

Title read and approved.

Assembly Bill No. 238—An Act making an appropriation to pay the claim of Geo. A. Sturtevant, for costs of suits in foreclosing delinquent purchasers of State school lands.

Bill read second and third times.

The roll was called, and Assembly Bill No. 238 finally passed by the following vote:

AYES—Senators Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Flint, Gillette, Gleaves, Henderson, Jones, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Toner, and Trout—21.

NOES—None.

Title read and approved.

Assembly Bill No. 223—An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan for attempted highway robbery.

Bill read second and third times.

The roll was called, and Assembly Bill No. 223 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Gillette, Gleaves, Hall, Henderson, Jones, Morehouse, Prisk, Seawell, Shippee, Simpson, Stratton, and Trout—21.

NOES—None.

Title read and approved.

Assembly Bill No. 226—An Act making an appropriation to pay the

claim of William Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.

Bill read second and third times.

The roll was called, and Assembly Bill No. 226 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Henderson, Holloway, Jones, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, and Withington—25.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

Senator Aram asked for and was granted a leave of absence for the evening.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 250—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard.

Bill read second and third times.

The roll was called, and Assembly Bill No. 250 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Dwyer, Feeney, Flint, Gillette, Gleaves, Henderson, Holloway, Jones, Mahoney, Morehouse, Seawell, Shippee, Stratton, Toner, Trout, and Withington—23.

NOES—None.

Title read and approved.

Assembly Bill No. 248—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments.

Bill read second and third times.

The roll was called, and Assembly Bill No. 248 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Jones, Morehouse, Seawell, Shine, Shippee, Simpson, Toner, Trout, and Withington—24.

NOES—None.

Title read and approved.

Assembly Bill No. 245—An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.

Bill read second and third times.

The roll was called, and Assembly Bill No. 245 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Holloway, Jones, Morehouse, Seawell, Shippee, Toner, and Trout—21.

NOES—None.

Title read and approved.

Assembly Bill No. 209—An Act making an appropriation to pay the claim of R. J. Broughton for transportation of prisoners.

Bill read second and third times.

The roll was called, and Assembly Bill No. 209 finally passed by the following vote:

AYES—Senators Beard, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Linder, Morehouse, Seawell, Shippee, Stratton, Toner, and Trout—21.

NOES—None.

Title read and approved.

Assembly Bill No. 262—An Act making an appropriation to pay the claim of Geo. E. Lawrence, for services rendered the State of California at the funeral of the late Lieutenant-Governor Millard.

Bill read second and third times.

The roll was called, and Assembly Bill No. 262 finally passed by the following vote:

AYES—Senators Androus, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Morehouse, Pedlar, Seawell, Shippee, Stratton, and Trout—22.

NOES—Senator Beard—1.

Title read and approved.

Assembly Bill No. 437—An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands.

Bill read second and third times.

The roll was called, and Assembly Bill No. 437 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Henderson, Jones, Linder, Morehouse, Pedlar, Prisk, Shippee, Stratton, Trout, and Withington—23.

NOES—None.

Title read and approved.

Assembly Bill No. 156—An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, for moneys expended in behalf of the State of California, for foreclosing State school lands in Colusa County, State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 156 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Gillette, Gleaves, Hall, Henderson, Jones, Linder, Morehouse, Pedlar, Prisk, Shippee, Stratton, Trout, and Withington—22.

NOES—None.

Title read and approved.

Assembly Bill No. 646—An Act making an appropriation to pay the claim of James V. Hicks against the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 646 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Jones, Linder, Morehouse, Prisk, Shippee, Simpson, Stratton, Toner, Trout, and Withington—24.

NOES—None.

Title read and approved.

Assembly Bill No. 271—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Bill read second and third times.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Morehouse moved a call of the Senate, at ten o'clock and ten minutes p. m.

The roll was called, and the following Senators answered to their names:

Senators Androus, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Jones, Linder, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Simpson, Stratton, Toner, Trout, Withington, and Wolfe.

On motion of Senator Hall, further proceedings under call of the Senate were dispensed with.

The President pro tem. then announced that Assembly Bill No. 271 was finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Prisk, Simpson, Toner, Trout, and Wolfe—22.

NOES—Senators Bulla, Gillette, Jones, Pedlar, Shippee, Stratton, and Withington—7.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Senator Withington offered the following resolution:

Resolved, That the Senate consider no Assembly bills, excepting the tax levy bill, after twelve o'clock midnight.

Resolution adopted.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 207—An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau.

Bill read second and third times.

The roll was called, and Assembly Bill No. 207 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Jones, Linder, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Trout, and Withington—24.

NOES—None.

Title read and approved.

Assembly Bill No. 312—An Act to provide for the relief of Charles E. Wells, and to appropriate money therefor.

Bill read second and third times.

The roll was called, and Assembly Bill No. 312 finally passed by the following vote:

AYES—Senators Androus, Beard, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Gillette, Gleaves, Hall, Henderson, Linder, Pedlar, Prisk, Seawell, Simpson, Toner, Trout, and Wolfe—21.

NOES—Senators Bulla, Stratton, and Withington—3.

Title read and approved.

Assembly Bill No. 979—An Act to appropriate money for the payment of interest on the sum of \$79,750, being part of the endowment fund of the University of California, heretofore withheld and used for other State purposes, until the State elects to pay said principal sum of \$79,750.

Bill read second and third times.

The roll was called, and Senate Bill No. 979 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Simpson, Stratton, Toner, Trout, Withington, and Wolfe—29.

NOES—None.

Title read and approved.

Assembly Bill No. 318—An Act making an appropriation to pay claim for traveling expenses of John F. Kidder, from August 15, 1893, to December 21, 1895.

Bill read second and third times.

The roll was called, and Assembly Bill No. 318 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Linder, Morehouse, Pedlar, Prisk, Seawell, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—28.

NOES—None.

Title read and approved.

Assembly Bill No. 5—An Act for the relief of Julius A. Hult, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Bill read second and third times.

The roll was called, and Assembly Bill No. 5 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, Morehouse, Pedlar, Prisk, Seawell, Simpson, Smith, Toner, Trout, and Wolfe—25.

NOES—Senators Bulla and Stratton—2.

Title read and approved.

Assembly Bill No. 932—An Act making an appropriation to pay the claim of Charles W. Metcalf against the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 932 finally passed by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Dwyer, Flint, Franck, Hall, Henderson, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Simpson, Stratton, Toner, and Trout—22.

NOES—Senators Beard, Bulla, and Gillette—3.

Title read and approved.

Assembly Bill No. 242—An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond.

Bill read second and third times.

The roll was called, and Assembly Bill No. 242 finally passed by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Toner, and Trout—22.

NOES—Senators Beard, Bulla, Gillette, Luchsinger, Stratton, and Withington—6.

Title read and approved.

Assembly Bill No. 735—An Act making an appropriation to pay the claim of Charles Nelson, arising upon the judgment recovered by said

Nelson against the State of California, in the Superior Court of the City and County of San Francisco, on May 27, 1896.

Bill read second and third times.

The roll was called, and Assembly Bill No. 735 finally passed by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Seawell, Simpson, Smith, Toner, Trout, and Withington—22.

NOES—Senators Beard and Bulla—2.

Title read and approved.

Assembly Bill No. 717—An Act to provide for the payment of the claim of George H. Tay Company, for the deficiency in the contract price for heating and ventilating the State Normal School building at San José, State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 717 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Mahoney, Morehouse, Seawell, Shippee, Smith, Stratton, Toner, and Trout—25.

NOES—Senators Bulla, Pedlar, and Withington—3.

Title read and approved.

Assembly Bill No. 958—An Act to repay and reimburse John C. Pelton, for money expended and services rendered in establishing the first free public school in the State of California.

Bill read second and third times.

The roll was called, and Assembly Bill No. 958 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Chapman, Denison, Dickinson, Doty, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Mahoney, Seawell, Stratton, Toner, Trout, and Wolfe—22.

NOES—Senators Bulla, Gillette, Smith, and Withington—4.

Title read and approved.

An ten o'clock and forty-eight minutes P. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

VOORHEIS, Chairman.

Assembly Bill No. 990 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Voorheis offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 990 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Pedlar, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, and Withington—29.

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

During the second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, lines 11 and 12, the words "two million three hundred and forty-three thousand six hundred and two," and inserting the following: "three million and ninety-three thousand and six hundred."

On the adoption of Amendment No. 1, the ayes and noes were demanded by Senators Seawell, La Rue, and Doty.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Bulla, Denison, Dickinson, Franck, Gillette, Gleaves, Jones, Luchsinger, Mahoney, Pedlar, Shippee, Simpson, Smith, Stratton, Voorheis, Withington, and Wolfe—20.

NOES—Senators Brauhart, Chapman, Doty, Feeney, Henderson, La Rue, Seawell, Toner, and Trout—9.

AMENDMENT No. 2.

Amend by striking out of Section 1, lines 18 and 19, the words "two million four hundred and three thousand six hundred and two dollars," and inserting the following: "two million five hundred and ninety-three thousand and six hundred dollars."

Amendment adopted.

Bill ordered to print and engrossment.

The Secretary was instructed to immediately transmit the bill to the printer.

Assembly Bill No. 240—An Act making an appropriation to pay the deficiency in the appropriation "to provide for the erection and operation of rock-crushing plants at the State prisons," etc.

Bill read second and third times.

The roll was called, and Assembly Bill No. 240 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, Linder, Mahoney, Morehouse, Pedlar, Shippee, Stratton, Toner, Voorheis, Withington, and Wolfe—26.

NOES—None.

Title read and approved.

Assembly Bill No. 402—An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized.

Bill read third time.

The roll was called, and Assembly Bill No. 402 finally passed by the following vote:

AYES—Senators Androus, Beard, Boyce, Brauhart, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Shippee, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—29.

NOES—None.

RESOLUTION—(OUT OF ORDER).

Senator Trout offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 631, 561, and 606 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Senator Withington offered the following substitute:

Resolved, That Assembly Bill No. 561 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the substitute adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Luchsinger, Morehouse, Pedlar, Prisk, Shippee, Simpson, Smith, Stratton, Voorheis, Withington, and Wolfe—29.

NOES—None.

CASE OF URGENCY—SECOND AND THIRD READING OF BILL.

Assembly Bill No. 561—An Act to appropriate \$7,082 to pay the claim of Francis Williams, for services rendered the State of California as an Irrigation Commissioner.

Bill read second and third times.

The roll was called, and Assembly Bill No. 561 refused final passage by the following vote:

AYES—Senators Androus, Boyce, Braunhart, Dwyer, Feeney, Flint, Henderson, Prisk, Smith, and Toner—10.

NOES—Senators Beard, Bulla, Chapman, Denison, Dickinson, Doty, Franck, Gillette, Gleaves, Jones, Luchsinger, Morehouse, Pedlar, Shippee, Stratton, Voorheis, and Wolfe—17.

MOTION—(OUT OF ORDER).

Senator Wolfe moved to take from the table Assembly Bill No. 872—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in the State.

AYES AND NOES.

On the motion to take from the table, the ayes and noes were demanded by Senators Mahoney, Feeney, and Wolfe.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Withington moved a call of the Senate, at eleven o'clock and fifty minutes P. M.

AYES AND NOES.

On the motion for a call of the Senate, the ayes and noes were demanded by Senators Braunhart, Shippee, and Withington.

The roll was called, and the motion lost by the following vote:

AYES—Senators Androus, Beard, Bulla, Denison, Doty, Franck, Gleaves, Jones, La Rue, Prisk, Seawell, Simpson, Stratton, and Trout—14.

NOES—Senators Boyce, Braunhart, Chapman, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Henderson, Linder, Luchsinger, Mahoney, Pedlar, Shippee, Toner, Voorheis, Withington, and Wolfe—19.

MOTION TO RECONSIDER.

Senator Withington moved to reconsider the vote whereby the motion for a call of the Senate was lost.

Senator Wolfe moved to lay the motion to reconsider on the table.

On the motion to lay on the table, the ayes and noes were demanded by Senators Braunhart, Shippee, and Withington.

The roll was called, and the motion to lay on the table carried by the following vote:

AYES—Senators Androus, Beard, Dickinson, Dwyer, Feeney, Flint, Hall, Henderson, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Smith, Toner, Voorheis, and Wolfe—17.

NOES—Senators Boyce, Braunhart, Bulla, Denison, Doty, La Rue, Seawell, Shippee, Stratton, Trout, and Withington—11.

MOTION.

At eleven o'clock and fifty-one minutes P. M., Senator Seawell moved to adjourn.

Motion lost.

The question recurring on the motion to take Assembly Bill No. 872 from the table, Senator Wolfe, by unanimous consent, withdrew his motion.

RESOLUTION—(OUT OF ORDER).

Senator Trout submitted the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 631 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Gillette, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Prisk, Seawell, Shippee, Simpson, Smith, Toner, Trout, Withington, and Wolfe—27.

NOES—None.

CASE OF URGENCY—SECOND AND THIRD READING OF BILL.

Assembly Bill No. 631—An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessors.

Bill read second and third times.

The roll was called, and Assembly Bill No. 631 finally passed by the following vote:

AYES—Senators Beard, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Feeney, Franck, Gillette, Gleaves, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Smith, Toner, Trout, Voorheis, and Wolfe—26.

NOES—None.

Title read and approved.

ADJOURNMENT.

At twelve o'clock P. M., on motion of Senator Boyce, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 20, 1897. }

The Senate met pursuant to adjournment, at ten o'clock A. M.

Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Holloway, Jones, Langford, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

APPROVAL OF JOURNALS.

The Journals of Thursday and Friday, March 18 and 19, 1897, were approved.

SPECIAL ORDERS.

Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read third time.

The roll was called, and Assembly Bill No. 990 finally passed by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the communication of Governor James H. Budd, wherein was contained the following nominations:

Dr. J. F. Morse, of San Francisco, a member of the State Board of Health, vice Dr. Winslow Anderson, term expired.

Also: Dr. D. D. Crowley, of Alameda County, a member of the State Board of Health, vice P. C. Remondino, term expired.

Also: Dr. C. W. Nutting, of Siskiyou County, a member of the State Board of Health, vice himself, term expired.

Also: Dr. C. A. Ruggles, of San Joaquin County, a member of the State Board of Health, vice himself, term expired.

Also: Dr. R. W. Hill, of Los Angeles, a member of the State Board of Health, vice J. H. Davisson, term expired.

Also: Dr. W. P. Mathews, of Sacramento, a member of the State Board of Health, vice Dr. J. R. Laine, term expired.

Also: Dr. A. M. Henderson, of Sacramento, a member of the State Board of Health, vice Dr. W. F. Wiard, term expired.

Have had the same under consideration, and respectfully report the same back, and recommend that the Senate do advise and consent to the above nominations.

WOLFE, Chairman.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS.

Consideration of the confirmation of the appointment of W. J. Prout, of San Diego, to the office of member of the Board of State Harbor Commissioners for the Bay of San Diego, to succeed D. C. Reed.

Upon the question, "Will the Senate advise and consent to the appointment of W. J. Prout, of San Diego, to the office of member of the Board of State Harbor Commissioners for the Bay of San Diego, vice D. C. Reed?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—33.

NOES—None.

Whereupon the President announced the appointment of W. J. Prout to the office of member of the Board of State Harbor Commissioners for the Bay of San Diego duly confirmed.

Consideration of the confirmation of the appointment of William R. Rowland, of Los Angeles, Trustee of the Whittier State School, to succeed W. C. Patterson.

Upon the question, "Will the Senate advise and consent to the appointment of William R. Rowland, of Los Angeles, to the office of Trustee of the Whittier State School, vice W. C. Patterson?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Stratton, Toner, Trout, Withington, and Wolfe—33.

NOES—None.

Whereupon the President announced the appointment of William R. Rowland to the office of Trustee of the Whittier State School duly confirmed.

Consideration of the confirmation of the appointment of P. J. Harney, of San Francisco, to the office of member of the Board of State Harbor Commissioners of San Francisco, to succeed Dan T. Cole.

Upon the question: "Will the Senate advise and consent to the appointment of P. J. Harney, of San Francisco, to the office of member of the Board of State Harbor Commissioners of San Francisco, vice Dan T. Cole?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—34.

NOES—None.

Whereupon the President announced the appointment of P. J. Harney to the office of member of the Board of State Harbor Commissioners of San Francisco duly confirmed.

Consideration of the confirmation of the appointment of Rudolph Herold, Jr., of San Francisco, to the office of member of the Board of State Harbor Commissioners of San Francisco, to succeed F. S. Chadbourne.

Upon the question, "Will the Senate advise and consent to the appointment of Rudolph Herold, Jr., of San Francisco, to the office of member of the Board of State Harbor Commissioners of San Francisco, vice F. S. Chadbourne?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.

NOES—None.

Whereupon the President announced the appointment of Rudolph Herold, Jr., to the office of member of the Board of State Harbor Commissioners of San Francisco duly confirmed.

Consideration of the confirmation of the appointment of J. J. O'Brien, of San Francisco, to the office of Director of the California Home for the Care and Training of Feeble-Minded Children, to succeed F. W. Lougee.

Upon the question, "Will the Senate advise and consent to the appointment of J. J. O'Brien, of San Francisco, to the office of Director of the California Home for the Care and Training of Feeble-Minded Children, vice F. W. Lougee?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.

NOES—None.

Whereupon the President announced the appointment of J. J. O'Brien to the office of Director of the California Home for the Care and Training of Feeble-Minded Children duly confirmed.

Consideration of the confirmation of the appointment of A. P. Overton, of Santa Rosa, to the office of Director of the California Home for the Care and Training of Feeble-Minded Children, to succeed himself.

Upon the question, "Will the Senate advise and consent to the appointment of A. P. Overton, of Santa Rosa, to the office of Director of the California Home for the Care and Training of Feeble-Minded Children, vice himself?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—37.

NOES—None.

Whereupon the President announced the appointment of A. P. Overton to the office of Director of the California Home for the Care and Training of Feeble-Minded Children duly confirmed.

RECONSIDERATION.

Senator Boyce moved a reconsideration of the vote of a previous day on the adoption of the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of legislative business of the thirty-second session, embracing a history of bills introduced, their authors, the number that have become laws, those that have been read, their second readings, and all other information that will create a perfect guide and history of the session's business. Together with this shall be the expenses of the Senate and the Assembly, and of printing; such information being prepared not only for the public, but as a guide for the thirty-third session of the Legislature. For the purpose of carrying out this work the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon; \$50 of which is to pay for postage and expressage in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Androus, Beard, Boyce, Bulla, Chapman, Denison, Dickinson, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Simpson, Toner, Voorheis, Withington, and Wolfe—23.
 NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following statement:

F. J. Brandon, Secretary of Senate, to H. S. Crocker, Dr.:

| | |
|-----------------------------------|--------|
| March 8—One dozen pencils..... | \$0 50 |
| February 17—One staple press..... | 1 75 |
| Staples..... | 50 |
| | <hr/> |
| | \$2 75 |

Sergeant-at-Arms, Senate, to Mrs. Alice McCulloch, Dr.:

| | |
|---|--------|
| Washing towels for Sergeant-at-Arms room, committee rooms, gents' toilet, from March 1st to March 20th..... | \$9 00 |
|---|--------|

Senate Chamber, bought of Union Ice Company:

| | |
|---|---------|
| March 1st to 20th, 2,000 pounds of ice, @ 1c..... | \$20 00 |
|---|---------|

Assembly and Senate members of Legislature, to Southern Pacific Co., Dr.:

| | |
|---|--------|
| For transportation of merchandise from Pasadena to Miss E. P. N. Packard—box books, \$1 59; express charges, 50c..... | \$2 09 |
|---|--------|

Sergeant-at-Arms of Senate, to Blue Cañon Water Co., Dr.:

| | |
|---|---------|
| To furnishing Blue Cañon water for drinking purposes, from March 4, 1897, to March 20, 1897, inclusive, seventeen days at \$3 50..... | \$59 50 |
| Less three Sundays..... | 10 50 |
| | <hr/> |
| | \$49 00 |

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in the sum of \$82 84, in payment of the above bills, in favor of Leslie Blackburn, Sergeant-at-Arms. The same to be paid out of the Contingent Fund of the Senate, and the Treasurer is directed and authorized to pay the same.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Hall, Henderson, Jones, Linder, Luchsinger, Mahoney, Pedlar, Shine, Shippee, Toner, Trout, Voorheis, Withington, and Wolfe—26.
 NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That George A. Leon be and is hereby allowed the sum of \$70, being the difference between the amount allowed him by previous resolution, and the amount fixed by statute, for compensation at the Secretary's desk, where service was performed. The Controller is directed to draw his warrant in favor of George A. Leon for said sum, and the Treasurer to pay the same out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

Report of the committee adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That H. H. Squire, Watchman of the Senate, be and he is hereby employed for one week after adjournment of the thirty-second session of the Legislature, as Watchman, at the same per diem as now received by him for similar services, payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

Report of committee adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

WHEREAS, Jack Terrill, as Gatekeeper at the middle entrance of the Senate Chamber, has been faithful and efficient in the performance of his duties, and believing the present per diem of \$3 as insufficient compensation for the services rendered; therefore, be it

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of Jack Terrill in a sum, the aggregate by an additional per diem of \$1, computed from the first day of the session up to and including the last; that the same be paid from the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

Report of committee adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That Robert Hanford be allowed pay for the period of seven days from and after the date of the adjournment of the thirty-second session of the Legislature, at the same per diem which he is now receiving, for services to be rendered by him in taking mail to and from the post office after such adjournment, and the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of said Robert Hanford for said seven days' pay, and the Treasurer is hereby directed to pay the same out of the fund for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HOLLOWAY, Chairman.

Report of committee adopted.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Withington, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from Assembly Amendment No. 2 to Substitute for Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation and

The roll was called, and Assembly Joint Resolution No. 33 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Feeney, Flint, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Mahoney, Prisk, Shippee, Simpson, Trout, Withington, and Wolfe—24.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Also: Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 309—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Also: Amended, and passed as amended, Senate Bill No. 265—An Act entitled "An Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employes by the San Francisco Board of Health."

Also: Amended, and passed as amended, Senate Bill No. 451—"An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval."

Also: Amended, and refused to pass, Senate Bill No. 164—An Act to amend Section 634 of the Political Code, in relation to insurance, approved April, 1878.

Also: Refused to pass Senate Bill No. 694—An Act to amend Section 1276 of the Code of Civil Procedure of the State of California.

Also: Adopted Senate Concurrent Resolution No. 13—Relative to paying George Berger.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 347, 359, and 309 ordered to enrollment.

Senate Concurrent Resolution No. 13 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 265.

ASSEMBLY AMENDMENTS.

In line 4, after the words "must appoint," insert the words "a quarantine officer, who shall be a physician in good standing."

Also: In line 8, after the word "physician," insert the words "who shall have had at least ten years' practice."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 265?"

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Braunhart moved a call of the Senate, at eleven o'clock and ten minutes A. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Withington, and Wolfe.

The Secretary then announced that Senators Holloway, Langford, and Voorheis were the only Senators absent without leave.

On motion of Senator Braunhart, further proceedings under the call of the Senate were dispensed with.

The President then announced that the Senate concurred in Assembly amendments to Senate Bill No. 265 by the following vote:

AYES—Senators Bert, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Hall, Henderson, La Rue, Linder, Morehouse, Prisk, Seawell, Shine, Toner, Voorheis, and Wolfe—22.

NOES—Senators Androus, Aram, Beard, Boyce, Gillette, Gleaves, Jones, Luchsinger, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, and Withington—15.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 451.

ASSEMBLY AMENDMENT.

Amend by adding to the end of Section 1 of the printed bill, after the word "journal," the following: "provided, that the provisions of this section shall not apply to cities in which the Mayor is a member of the City Council or other governing body."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 451?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Beard, Bert, Brauhart, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Morehouse, Prisk, Seawell, Shine, Simpson, Toner, and Voorheis—24.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 719—An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California as Sheriff of Plumas County.

Also: Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code; all of said sections relating to public lands and revenue and taxation.

Also: Senate Bill No. 382—An Act to empower the legislative body of an incorporated city or town within the State of California, to levy taxes and expend the same in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees.

Also: Substitute for Senate Bill No. 362—An Act authorizing the Secretary of State to appoint a clerk, and making an appropriation for the payment of his salary for the remainder of the forty-eighth fiscal year.

Also: Senate Bill No. 530—An Act to amend Section 3493 of the Political Code of the State of California, relating to the dissolution of swamp land or reclamation districts.

Also: Senate Bill No. 531—An Act to amend Section 3472 of the Political Code of the State of California, relating to the formation of swamp land or reclamation districts.

Also: Senate Bill No. 246—An Act to amend Section 200 of the Code of Civil Procedure by adding a new subdivision thereto, known as Subdivision No. 11, relating to exempting exempt firemen from jury duty.

Also: Senate Bill No. 292—An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses residing at Evergreen, in the County of Santa Clara, at the Home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

Also: Senate Bill No. 521—An Act to provide for additional improvements at the State Insane Asylum located at Agnew, in the County of Santa Clara, State of California, and to make an appropriation therefor.

Also: Senate Bill No. 398—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Also: Senate Bill No. 640—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor.

Also: Amended, and passed as amended, Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

Also: Passed Substitute for Senate Bills Nos. 357, 358, and 361—An Act to provide for additional buildings for the California Home for the Care and Training of Feeble-Minded Children; to equip the same for occupancy and use; to provide a system of electric lighting therein, and to make an appropriation therefor.

Also: Senate Bill No. 399—An Act making an appropriation for the purpose of constructing a reservoir, and laying and maintaining a line of pipe from said reservoir to the Marshall monument, and for other purposes.

Also: Amended, and passed as amended, Senate Bill No. 291—An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor.

Also: Passed Senate Bill No. 563—An Act making an appropriation to pay the deficiency in the appropriation for the support of Preston School of Industry, at Ione, California, for the forty-eighth fiscal year.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Bills Nos. 719, 330, 382, 530, 531, 246, Substitute for Senate Bill No. 362, Senate Bills Nos. 292, 521, 398, 640, 399, 563, and Substitute for Senate Bills Nos. 357, 358, 361 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 549.

ASSEMBLY AMENDMENT.

Amend Section 1, line 1, by striking out, after the word "of," the following words: "seven thousand five hundred," and inserting in lieu thereof the words "ten thousand."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 549?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Bert, Braunhart, Chapman, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Shippee, Simpson, Trout, and Withington—26.

NOES—None.

At eleven o'clock and twenty-three minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 291.

ASSEMBLY AMENDMENTS.

Amend by striking out of title the words "for reseating the hall in the State Normal School building at San José, and."

Also: By striking out the word "said," in line 3 of title, and inserting, after State Normal School, the words "at San José."

Also: Amend by striking out of Section 1, lines 5 and 6, the words "and the sum of three thousand dollars for the reseating of said hall."

Also: Amend by striking out of Section 1, lines 2 to 4, the words "to purchase the necessary seats for reseating the hall in said State Normal School, and also."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 291?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Aram, Beard, Bert, Braunhart, Bulla, Denison, Doty, Flint, Franck, Gillette, Gleaves, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shine, Shippee, Smith, Toner, Trout, Withington, and Wolfe—25.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendments to Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes—and respectfully requests your honorable body to recede therefrom.

S. J. DUCKWORTH, Chief Clerk.

Senator Withington moved that the Senate do not recede from its amendments to Assembly Bill No. 990.

The roll was called, and the motion carried by the following vote:

AYES—Senators Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gillette, Gleaves, Henderson, Jones, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Shippee, Simpson, Smith, Stratton, Trout, Voorheis, Withington, and Wolfe—29.

NOES—Senators La Rue and Seawell—2.

APPOINTMENT OF COMMITTEE.

The President pro tem. appointed Senators Withington, Gillette, and Langford as a committee on conference to act with a like committee from the Assembly in relation to Senate amendments to Assembly Bill No. 990.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS.

Consideration of the confirmation of the appointment of George T. Bohen as Pilot Commissioner.

The following report was received and read:

SACRAMENTO, March 20, 1897.

To the President of the Senate:

The undersigned, acting as a committee on behalf of the majority in the Senate, having investigated the causes looking to the appointment of George T. Bohen, as Pilot Commissioner, find that the removal of Captain John Hackett from that office involves no reflection whatever on his personal or official integrity. The Executive expressly so states to this committee. Since filing our report with the majority of the Senate, recommending that the appointment of Mr. Bohen be not confirmed, we have, upon further consideration, become convinced that it will not be good policy, nor promote the harmony or efficiency of the State government, to insist that the present administration retain in office an officer who is a person *non grata*, and with whom the Executive of the State is not in accord. We therefore withdraw all objections to the confirmation of Mr. Bohen as such Pilot Commissioner.

STRATTON,
WOLFE,
DENISON,
Committee.

Upon the question, "Will the Senate advise and consent to the appointment of George T. Bohen as Pilot Commissioner, vice Captain John Hackett?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Bert, Braunhart, Bulla, Denison, Doty, Dwyer, Feeney, Flint, Hall, Henderson, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Seawell, Shippee, Simpson, Smith, Toner, Trout, Voorheis, and Wolfe—28.

NOES—Senators Boyce and Luchsinger—2.

Whereupon the President pro tem. announced the appointment of George T. Bohen to the office of Pilot Commissioner duly confirmed.

Consideration of the confirmation of the appointment of Dr. J. F. Morse, of San Francisco, to the office of member of the State Board of Health, to succeed Dr. Winslow Anderson.

Upon the question, "Will the Senate advise and consent to the appointment of Dr. J. F. Morse, of San Francisco, to the office of member of the State Board of Health, vice Dr. Winslow Anderson?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Smith, Toner, Voorheis, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced the appointment of Dr. J. F. Morse to the office of member of the State Board of Health duly confirmed.

Consideration of the confirmation of the appointment of Dr. D. D. Crowley, of Alameda County, to the office of member of the State Board of Health, to succeed P. C. Remondino.

Upon the question, "Will the Senate advise and consent to the appointment of Dr. D. D. Crowley, of Alameda County, to the office of member of the State Board of Health, vice P. C. Remondino?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—32.

NOES—None.

Whereupon the President pro tem. announced the appointment of Dr. D. D. Crowley to the office of member of the State Board of Health duly confirmed.

Consideration of the confirmation of the appointment of Dr. C. W. Nutting, of Siskiyou County, to the office of member of the State Board of Health, to succeed himself.

Upon the question, "Will the Senate advise and consent to the appointment of Dr. C. W. Nutting, of Siskiyou County, to the office of member of the State Board of Health, vice himself?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Flint, Franck, Gleaves, Henderson, Jones, La Rue, Mahoney, Morehouse, Pedlar, Prisk, Shine, Smith, Stratton, Toner, Trout, and Wolfe—27.

NOES—None.

Whereupon the President pro tem. announced the appointment of Dr. C. W. Nutting to the office of member of the State Board of Health duly confirmed.

Consideration of the confirmation of the appointment of Dr. C. A. Ruggles, of San Joaquin County, to the office of member of the State Board of Health, to succeed himself.

Upon the question, "Will the Senate advise and consent to the appointment of Dr. C. A. Ruggles, of San Joaquin County, to the office of member of the State Board of Health, vice himself?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Stratton, Toner, Trout, Voorheis, and Wolfe—31.

NOES—None.

Whereupon the President pro tem. announced the appointment of Dr. C. A. Ruggles to the office of member of the State Board of Health duly confirmed.

Consideration of the confirmation of the appointment of Dr. R. W. Hill, of Los Angeles, to the office of member of the State Board of Health, to succeed Dr. J. H. Davisson.

Upon the question, "Will the Senate advise and consent to the

appointment of Dr. R. W. Hill, of Los Angeles, to the office of member of the State Board of Health, vice Dr. J. H. Davison?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Beard, Bert, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Gleaves, Hall, Jones, La Rue, Mahoney, Morehouse, Prisk, Seawell, Shippee, Smith, Toner, Trout, Voorheis, and Wolfe—22.

NOES—None.

Whereupon the President pro tem. announced the appointment of Dr. R. W. Hill to the office of member of the State Board of Health duly confirmed.

Consideration of the confirmation of the appointment of Dr. W. P. Mathews, of Sacramento, to the office of member of the State Board of Health, to succeed Dr. J. R. Laine.

Upon the question, "Will the Senate advise and consent to the appointment of Dr. W. P. Mathews, of Sacramento, to the office of member of the State Board of Health, vice Dr. J. R. Laine?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Dickinson, Doty, Dwyer, Flint, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Mahoney, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced the appointment of Dr. W. P. Mathews to the office of member of the State Board of Health duly confirmed.

Consideration of the confirmation of the appointment of Dr. A. M. Henderson, of Sacramento, to the office of member of the State Board of Health, to succeed Dr. W. F. Wiard.

Upon the question, "Will the Senate advise and consent to the appointment of Dr. A. M. Henderson, of Sacramento, to the office of member of the State Board of Health, vice Dr. W. F. Wiard?"

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—29.

NOES—None.

Whereupon the President pro tem. announced the appointment of Dr. A. M. Henderson to the office of member of the State Board of Health duly confirmed.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 20, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: I hereby nominate P. L. Henderson, of San Francisco, Port Warden of San Francisco, vice P. J. Harney, resigned, and ask your consent to his appointment.

JAMES H. BUDD, Governor.

CONSIDERATION OF GOVERNOR'S APPOINTMENT.

Consideration of the confirmation of the appointment of P. L. Henderson, of San Francisco, to the office of Port Warden of San Francisco, to succeed P. J. Harney.

Upon the question, "Will the Senate advise and consent to the appointment of P. L. Henderson, of San Francisco, to the office of Port Warden of San Francisco, vice P. J. Harney?"

Senator Wolfe moved that unanimous consent be given to the suspension of the rules requiring a reference to the Committee on Executive Communications and Nominations.

Carried.

By direction of the presiding officer, the roll was called, with the following result:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Jones, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—34.

NOES—None.

Whereupon the President pro tem. announced the appointment of P. L. Henderson to the office of Port Warden of San Francisco duly confirmed.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 20, 1897. }

To the honorable the Legislature of the State of California:

GENTLEMEN: Every dollar of taxes imposed on the people of this State in excess of the amount provided by Assembly Bill No. 990 will, in my judgment, be an unnecessary burden. Forty and one half cents on every \$100 of the present assessed value of the property of this State will raise, with funds in the treasury, and available on July 1, 1897, more than sufficient to meet the demands of this government for the forty-ninth fiscal year, and sufficient to meet them for the fiftieth fiscal year. Even the amount raised by this bill would have been unnecessary, and a tax levy of less than 32 cents per \$100 on said valuation would have sufficed had my recommendation as to income taxes been adopted.

The professed apprehension that my successor may have to meet a deficiency is illy founded, and in view of the fact that this administration inherited over \$1,000,000 of deficiencies, debts, and obligations from past administrations, which it has or will be able to pay, and yet reduced the tax on the people far below its party pledge, ought to convince your honorable bodies that it will so handle the finances as to leave them in sound condition at the expiration of its term. The only ground for apprehension must lie in the fact that your honorable bodies have departed from a long established law as to deficiencies, and endeavored to make it more easy to create them by providing that a majority of the Board of Examiners may create a deficiency where a full board was required heretofore; thus making it possible, if the provision in the General Appropriation Act be held valid, to create such deficiencies in defiance of the Governor, who alone is responsible under the Constitution for the execution of the laws and the general management of State institutions. While this might be good *politics*, it is certainly bad *financiering*, and although I have no apprehension that under present conditions any harm will follow, financial disaster may in the future, under other boards and other circumstances, if the law be held valid.

You are on the eve of adjournment, and leave on my hands the general and other appropriation bills. Any item or bill may be absolutely defeated now by my veto, and I assume the responsibility of so reducing the amount as, with the funds available on July 1, 1897, and the amount to be raised by Assembly Bill No. 990, to be sufficient for the needs of this government for the next two fiscal years, excepting extraordinary unforeseen demands; and should the majority of the Board of Examiners deem it necessary to create deficiencies in excess of this amount, to be paid in the future, I assure you it will be more satisfactory to the taxpayers than to have the burdens imposed during these hard times, and money needlessly locked up in the treasury, as it is now.

I invited the Chairman of the Ways and Means Committee, with the Controller, to meet in consultation as to these figures, and as a result of that conference I showed,

from the Controller's own figures, that a levy of 40½ cents per \$100 of valuation would be amply sufficient.

I invited the Chairman of the Finance Committee of the Senate to meet me with the Finance Committee, and insisted on his bringing the Controller with him, stating that I could show, from the Controller's own figures, in the Controller's presence, that the bill in the House was sufficient. The Chairman and members of his committee did appear, but he stated that the Controller had another engagement and could not appear.

I have the figures from the Controller, and I insist that, with the money which will remain unexpended on July 1, 1897, the amount provided for in the Assembly bill is sufficient to run this government, unless the same be wasted.

I regret that, under the rules of your bodies, adopted early in the session, these appropriation bills have been held back to the last minute, otherwise by my veto I would have been able to have given the exact figures from the appropriations allowed, and would have been able, by a veto message to your honorable bodies, to have shown such figures, and also to have shown that even less than the amount appropriated would be necessary.

If the bill for the amount desired to be raised by the Chairman of the Finance Committee of the Senate be sent to me, I will be unable to approve it, and I desire, in advance, to inform your honorable bodies of this fact, in order that any responsibility for your not transmitting to me a bill for no more than the amount necessary to run the government for the next two years, may not rest upon me. Under present financial conditions it is inadvisable to raise any more than is absolutely necessary. Idle money should never be accumulated in the public treasury, as it is a well-known fact that it is a constant temptation to extravagance.

I decline to assume the responsibility for any complications or expense which may result from your sending me an excessive tax levy.

JAMES H. BUDD, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 20, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: I return Senate Bill No. 8 without my consent, and with my objections thereto.

One D. M. Delmas, a lawyer, in effect stated recently in court that said bill was designed to and would close the mouth of his client as a witness in important pending litigation, and that it only awaited the signature of opposing associate counsel to accomplish that purpose.

Under the circumstance I cannot approve the bill, and in justice to the Legislature and myself I append a copy of the following letter.

JAMES H. BUDD, Governor.

SACRAMENTO, March 20, 1897.

HON. JAMES H. BUDD, Governor:

MY DEAR SIR: In response to your request regarding the authorship of Senate Bill No. 8, introduced by me at the present session of the Legislature, I will state that I received the same by mail from General A. L. Hart, of San Francisco, he stating to me that the bill had been drawn by D. M. Delmas, Esq., of San Francisco.

From conversations since had with General Hart and others, I do not think there is any question regarding the truth of such statement.

Respectfully,

(Signed:) EUGENE ARAM.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 20, 1897. }

To the honorable Senate of the State of California:

GENTLEMEN: I return herewith Senate Bill No. 198 without my approval, and with my objections thereto. Two bills, having for their purpose the regulation of the width of tires upon wagons to be used upon the public highways of this State, reached me March 9th. This bill regulates the width of such tires according to the carrying capacity of the wagons, while Assembly Bill No. 157 graduates them according to the size of the axles of the wagons. Upon consideration I have concluded that the Assembly bill provides the more reasonable classification, and one which could most easily be determined, and I have approved it. Violations of these kind of statutes would be most frequent in rural districts where scales would not be available to determine the actual weight of the load the wagons were carrying. The prosecutions would be in Justices' Courts, and in the absence of a determination by weight, the presumption of innocence prevailing in favor of the accused, a conviction could seldom be had. The size of an axle can easily and quickly be determined; owners of wagons could always be apprised of their rights and liabilities, and a scale of widths upon that basis is the more reasonable and just. Having approved the other bill, to avoid a conflict, I return this bill without my approval.

JAMES H. BUDD, Governor.

COMMUNICATION—(OUT OF ORDER).

The following communication was received and read, and ordered printed in the Journal:

SAN FRANCISCO, CAL., March 19, 1897.

HON. WM. JETER, *President of the Senate, Sacramento, Cal.:*

The following is a copy of a resolution adopted by the Board of Supervisors of the City and County of San Francisco, which you are respectfully requested to read before the respective bodies over which you preside:

Resolved, That the Board of Supervisors of the City and County of San Francisco respectfully request the Senate of the State of California to submit Assembly Constitutional Amendment No. 37 to the people, in order that this city may be enabled to extricate its local government from the utter confusion into which it has been cast by conflicting laws and the decisions of the courts also.

Resolved, That the clerk of this board be directed to transmit this resolution forthwith by telegraph to the President of the Senate and the Chairman of the San Francisco Senate delegation.

JOHN A. RUSSELL, Clerk.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 670—An Act appropriating \$10,000 to pay the claim of Addie McGinnes.

Also: Senate Bill No. 273—An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses.

Also: Senate Bill No. 524—An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Also: Senate Bill No. 536—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

And presented the same to the Governor on this day, at ten o'clock and fifty minutes A. M.

JONES, Chairman.

COMMUNICATION—(OUT OF ORDER).

Senator Gleaves presented the following communication, which was ordered printed in the Journal:

To the honorable the members of the California Legislature of 1897:

GENTLEMEN: We, the undersigned, business men of California, believing that the best interests of our State will be subserved by the exemption from State and local taxation of our ocean-going vessels, which are brought into direct competition with untaxed foreign vessels, earnestly petition your honorable bodies, the Senate and Assembly of the California Legislature, to pass a bill submitting the question to popular vote, in the shape of a constitutional amendment. And we shall ever pray.

(Signed:) Hugh Craig, B. H. Madison & Sons, Renton, Holmes & Co., J. J. Smith, and one hundred and fifty others.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 20, 1897. }

To the honorable Senate of the State of California:

I hereby withdraw the name of Abbot Kinney, nominated by me for Trustee of Whittier State School, vice Charles H. Keyes, resigned.

JAMES H. BUDD, Governor.

RECESS.

At eleven o'clock and thirty minutes A. M., on motion of Senator Bulla, the President pro tem. declared the Senate at recess until eleven o'clock and forty-five minutes A. M.

RECONVENED.

At eleven o'clock and forty-five minutes A. M. the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Wolfe.

Quorum present.

Senate Concurrent Resolution No. 4 read, as follows:

SENATE CONCURRENT RESOLUTION No. 4.

A resolution recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini eighteen hundred and ninety-seven, two thirds of all the members elected to each house concurring, hereby recommend that the electors of the State vote at the next general election upon the proposition to call a convention to revise the State Constitution, such proposition to read as follows:

SECTION 1. Two thirds of the members elected to each branch of the Legislature for the thirty-second session of the Legislature of the State of California, commencing on the fourth day of January, Anno Domini eighteen hundred and ninety-seven, do hereby recommend to the electors of the State to vote at the next general election for or against a convention for the purpose of revising the Constitution of the State. Such vote to be taken for the reason that two thirds of the members of each branch of the Legislature, at said regular thirty-second session, deem it necessary to revise such Constitution. Hereby further recommend that the convention to be called for such revision of the Constitution shall consist of eighty delegates, one to be chosen from each Assembly district. Such delegate shall possess the same qualification, and shall be elected in the same manner, as members of the Assembly. They shall receive as compensation the sum of eight dollars per day, with the same mileage as the members of the Assembly; and there shall be a reasonable number of clerks and other attaches, whose compensation shall be fixed by the convention. At such next general election the ballot used shall, in addition to the other names and matters required by law to be printed thereon, contain the words "For the Convention," and the words "Against the Convention," written or printed thereon in a suitable place, with the appropriate space for each elector to designate his intention with respect to such proposition. The election officers at each and every voting precinct in the State shall make and ascertain, and make returns of the number of votes cast in favor of a convention, and the number of votes cast against a convention, as aforesaid, in like manner and with the same particularity as other votes are required by law to be counted and returned, and an abstract thereof shall be transmitted by each and every County Clerk of the State, and each and every Registrar of Voters in any county, or city and county, of the State, to the Secretary of State, in the same manner, and within the same time, that votes for State officers are now by law required to be transmitted.

SEC. 2. The Secretary of State shall have authority to compel the mailing of such returns, and when received, shall prepare and lay before the Governor of the State a complete abstract of the whole number of votes cast "for" and "against" a convention. If it shall appear from the returns of the County Clerks and Registrar of Voters that a majority of the electors voting at such general election on the proposition for a convention shall have voted in favor of calling such convention, it shall be the duty of the Governor to forthwith issue his proclamation, announcing the fact that such convention has been called; and thereupon, it shall be the duty of the Legislature, at its session next after such election, to provide by law for the election of delegates to such convention, and for the holding thereof at the state capitol. All vacancies in the offices of delegates to be filled in the same manner as vacancies in the office of Assemblyman, and all contests over the election of delegates to be determined by the convention. Such convention to meet within three months from the date of the election calling it, and shall continue in session until it shall have completed the work of revision, and provided for submitting the same to the electors for approval or rejection.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Dickinson, Doty, Dwyer, Feeney, Franck, Gleaves, Hall, Henderson, Jones, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—31.

NOES—Senators La Rue and Linder—2.

The Secretary was directed to prepare a message informing the Assembly of the foregoing action immediately.

At eleven o'clock and forty-six minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Assembly Constitutional Amendment No. 37 read, as follows:

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 37.

To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding a new section thereto, to be known as Section No. 5½, relating to consolidated city and county governments.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, eighteen hundred and ninety-seven, two thirds of all the members elected to each house concurring, hereby proposes that article eleven of the Constitution of said State be amended by adding thereto a new section, to be known as section number five and one half, which shall read as follows, to wit:

Section 5½. The provisions of sections four and five of this article shall not, nor shall any legislation passed pursuant thereto, apply to any consolidated city and county government, now existing or hereafter formed, which shall have become, or shall become, organized under section seven, or secure a charter under section eight of this article.

The roll was called, and Assembly Constitutional Amendment No. 37 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, La Rue, Linder, Luchsinger, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe—33.

NOES—None.

Assembly Constitutional Amendment No. 34 read, as follows:

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 34.

A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution, in relation to sessions of the Legislature.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section two of article four of the Constitution of the State of California be amended to read as follows:

Section 2. The sessions of the Legislature shall commence at twelve o'clock meridian on the first Monday after the first day of January next succeeding the election of its members, and shall be biennial, unless the Governor shall in the interim convene the Legislature by proclamation. The Legislature shall then remain in session for twenty-five days, after which it must adjourn to some date not less than thirty nor more than sixty days from the time of adjournment. If the two houses fail to agree upon a time at which they will resume their session, the Governor shall, by proclamation, fix a date for such reconvening, which shall be within the limits above prescribed. Upon reassembling, the Legislature shall complete its session. No pay shall be allowed to members for a longer period than seventy-five days, and no bill shall be introduced in either house except at the first twenty-five days of the session without the consent of three fourths of the members thereof.

The roll was called, and Assembly Constitutional Amendment No. 34 adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Frank, Gleaves, Hall, Jones, La Rue, Luchsinger, Mahoney, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Voorheis—28.

NOES—Senators Linder, Morehouse, Pedlar, Shippee, Smith, and Wolfe—6.

Assembly Constitutional Amendment No. 38 read, as follows:

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 38.

A resolution to propose to the people of the State of California an amendment to Section 6, Article IX, of the Constitution of the State of California, relating to grammar schools.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini eighteen hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section six of article nine of the Constitution of the State of California be amended to read as follows:

Section 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the state school fund, and the state school tax, shall be applied exclusively to the support of primary and grammar schools. Grammar schools shall include schools organized in a school district, or union of school districts, having more than one thousand inhabitants, in which a course of study shall be taught which will prepare pupils to enter the agricultural, mining, or scientific department of the University of California.

The roll was called.

CALL OF THE SENATE.

Before the vote was announced, Senator Prisk moved a call of the Senate, at eleven o'clock and forty-seven minutes A. M.

The roll was called, and the following Senators answered to their names:

Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Holloway, Jones, La Rue, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, and Wolfe.

The President directed the Sergeant-at-Arms to close the doors forthwith, and bring the absentees before the bar of the Senate.

On motion of Senator Pedlar, further proceedings under the call of the Senate were dispensed with.

Whereupon the Sergeant-at-Arms was directed to open the doors of the Senate.

The President then announced that Assembly Constitutional Amendment No. 38 was adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Hall, Henderson, Langford, La Rue, Mahoney, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Voorheis, Withington, and Wolfe—30.

NOES—Senators Jones, Morehouse, Pedlar, Shippee, Smith, and Trout—6.

REPORT OF COMMITTEE ON CONFERENCE.

MR. PRESIDENT: Your committee on conference, appointed to meet with a like committee on the part of the Assembly with reference to the disagreement between the two houses as to amendments made by the House to Senate Bill No. 419, have had the same under consideration, and respectfully beg leave to report recommending that the Senate recede from its refusal to concur in said amendments, and do concur therein.

MAHONEY,
CHAPMAN,
Senate Committee.

CUTTER,
ENNIS,
BURNETT,
Assembly Committee.

The roll was called, and the report adopted by the following vote:

AYES—Senators Androus, Aram, Bert, Boyce, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Gleaves, Hall, Henderson, Linder, Mahoney, Morehouse, Seawell, Shine, Toner, Voorheis, and Wolfe—21.

NOES—Senators Beard, Braunhart, Bulla, Gillette, Jones, Langford, La Rue, Luchsinger, Pedlar, Shippee, Simpson, Smith, Stratton, and Trout—14.

REPORT OF COMMITTEE ON CONFERENCE.

MR. PRESIDENT: Your committee on conference on Assembly Bill No. 990 met a like committee of the Assembly, consisting of Messrs. Guy, Leavitt, and Houghton, and respectfully report that they are unable to agree.

WITHINGTON.
GILLETTE.
LANGFORD.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

The President appointed Senators Voorheis, Dwyer, and Dickinson as a committee of free conference to act with a like committee from the Assembly in relation to Assembly Bill No. 990.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 36.

Proposition to amend Section 15 and Section 16 of Article V of the Constitution of the State of California.

The Legislature of the State of California, at its thirty-second session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendments to sections fifteen and sixteen of article five of the Constitution:

Section fifteen of article five of the Constitution is hereby amended so as to read as follows:

Section 15. A Lieutenant-Governor shall be elected at the same time and place and in the same manner as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein.

Section sixteen of article five of the Constitution is hereby amended so as to read as follows:

Section 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election.

Assembly Constitutional Amendment No. 36 read.

The roll was called, and Assembly Constitutional Amendment No. 36 adopted by the following vote:

AYES—Senators Androus, Beard, Boyce, Brauhart, Bulla, Chapman, Denison, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—36.

NOES—None.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That Senators Dickinson, Boyce, Prisk, Simpson, and Chapman be and they are hereby appointed and constituted a committee, and directed to visit and investigate all State institutions, prisons, reformatories, schools, asylums, and other institutions, supported in whole or in part by the State, or receiving assistance therefrom, and they are hereby directed to make careful examination of such institutions, to the end that the manner in which appropriations are expended, and the manner in which said institutions are conducted and managed, and to inquire generally into any and all things pertinent to the control, management, and conduct thereof, and of the manner in which moneys received from the State are expended therein, and to report to the Senate at the thirty-third session of the Legislature the result of their examinations and investigations. Said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investiga-

tion of the matters above mentioned and referred to. Said committee, and such sub-committees as may be appointed from the members thereof by said committee, are hereby authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and the taking of their testimony, and the members of said committee are, and each of them is, hereby authorized to administer oaths, and that all the provisions of Article VIII, Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution and to such sub-committees as said committee may appoint for the purpose of making the examinations and investigations referred to. Said committee is hereby authorized to employ a stenographer or stenographers whenever, in their judgment, it shall be necessary, and such stenographer or stenographers shall also be clerk of said committee.

The Superintendent of State Printing is hereby directed to print such matter as said committee may require, at any time.

Said committee shall be entitled to and receive, payable out of the Contingent Fund of the Senate, such sum or sums as may be necessary to defray their necessary traveling expenses incidental to such examinations and investigations, and such sum or sums as may be required to pay the stenographer or stenographers employed by them under and by virtue of this resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Bulla, Chapman, Dickinson, Flint, Franck, Gillette, Gileaves, Hall, Jones, Langford, Luchsinger, Mahoney, Morehouse, Shine, Shippee, Simpson, Smith, Withington, and Wolfe—23.

NOES—Senators Braunhart, Doty, La Rue, Seawell, and Trout—5.

MOTION.

Senator Boyce moved the adoption of the following report and resolution:

REPORT OF COMMITTEE ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 19, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of legislative business of the thirty-second session, embracing a history of bills introduced, their authors, the number that have become laws, those that have been read their second readings, and all other information that will create a perfect guide and history of the session's business. Together with this shall be the expenses of the Senate and the Assembly, and of printing. Such information being prepared not only for the public, but as a guide for the thirty-third session of the Legislature.

For the purpose of carrying out this work the Controller is hereby directed to draw his warrant for the sum of \$500 in favor of F. J. Brandon: \$50 of which is to pay for postage and expressage in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HOLLOWAY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Dickinson, Doty, Feeney, Flint, Franck, Gillette, Gileaves, Hall, Jones, Langford, Linder, Mahoney, Morehouse, Pedlar, Prisk, Seawall, Shine, Shippee, Simpson, Smith, Stratton, Toner, Trout, Voorheis, Withington, and Wolfe—35.

NOES—None.

MOTION—(OUT OF ORDER).

Senator Seawell moved that the minority report of the joint committee on Assembly Concurrent Resolution No. 6 be printed in the Appendix to Journal, and that two thousand copies of said report be also printed.

ASSEMBLY JOINT RESOLUTION No. 7.

WHEREAS, There is an open ship channel between San Francisco Bay and Antioch, for vessels drawing twenty-five feet of water, with the exception of a distance of from one half to three fourths of a mile in Suisun Bay; and

WHEREAS, The water at low tide on said bar is sixteen feet in depth; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to take such action as shall result in an estimate by government engineers of the probable cost of dredging said bar to such depth as will admit the safe passage of vessels drawing twenty-five feet of water between said points, hereinbefore mentioned, and that following such report an appropriation by Congress be made to defray such expense.

Resolved, That a copy of these resolutions be immediately forwarded by mail to our Senators and Representatives in Congress by the Chief Clerk of the Assembly.

Assembly Joint Resolution No. 7 read.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Bulla, Flint, Franck, Gleaves, Henderson, Jones, La Rue, Linder, Luchsinger, Morehouse, Pedlar, Prisk, Seawell, Shine, Shippee, Simpson, Smith, Toner, Trout, and Voorheis—23.

NOES—Senator Boyce—1.

Assembly Constitutional Amendment No. 19—To amend Section 12 of Article XIII, by providing that persons voting at a general election shall be exempt from the payment of poll tax.

Assembly Constitutional Amendment No. 19 read.

The roll was called, and Assembly Constitutional Amendment No. 19 refused adoption by the following vote:

AYES—Senators Androus, Aram, Boyce, Braunhart, Bulla, Denison, Doty, Dwyer, Franck, Gleaves, Morehouse, Pedlar, Prisk, Simpson, Voorheis, and Withington—16.

NOES—Senators Beard, Chapman, Feeney, Gillette, Hall, Jones, Langford, La Rue, Luchsinger, and Trout—10.

SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Gleaves offered the following Senate concurrent resolution:

Resolved by the Senate, the Assembly concurring, That the Governor be requested to return to the Senate, Senate Bill No. 136 for the purpose of correcting errors therein.

Resolution adopted.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 15.

ASSEMBLY AMENDMENTS.

Amend by striking out the word "family," on line 18 of the printed bill, and inserting in lieu thereof the word "farming."

Also: Amend by inserting after the word "debtor," in line 19 of the printed bill, the words "not exceeding in value the sum of one thousand dollars."

Also: Amend by inserting after the words "necessaries of life," on line 78 of the printed bill, the words "or have been incurred at a time when the debtor had no family residing in this State supported in whole or in part by his labor."

Also: Amend by inserting the word "any" before the word "fire," in line 109 of the printed bill.

Also: Amend by inserting after the words "this State," in line 110 of the printed bill, the following: "16. All material purchased in good faith for use in the construction, alteration, or repair of any building, mining claim, or other improvement, as long as in good faith the same is about to be applied to the construction, alteration, or repair of such building, mining claim, or other improvement."

Also: Amend by inserting the word "the" after the word "to," on line 9 of the printed bill.

Also: Amend the title of the Act by striking out the following words: "by adding a new subdivision, exempting seamen's and fishermen's wages, one piano, one shotgun, and one rifle, also typewriters and bicycles, from execution."

The question being, "Shall the Senate concur in the foregoing Assembly amendments to Senate Bill No. 15?"

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Denison, Doty, Feeney, Gillette, Gleaves, Henderson, Jones, La Rue, Luchsinger, Morehouse, Prisk, Shippee, Simpson, Trout, and Withington—22.

NOES—None.

At eleven o'clock and forty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, was called to the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Simpson, the following messages from the Assembly were taken up and read:

• ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 285—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 79½, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.

Also: Passed Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles, and other horseless vehicles.

S. J. DUCKWORTH, Chief Clerk.

Senate Bill No. 453 ordered to enrollment.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL No. 285.

ASSEMBLY AMENDMENT.

Amend by inserting after the word "particular," in Section 1, line 6, of printed bill the word "religious."

The question being, "Shall the Senate concur in the foregoing Assembly amendment to Senate Bill No. 285?"

The roll was called, and the amendment concurred in by the following vote:

AYES—Senators Androus, Aram, Beard, Boyce, Braunhart, Bulla, Chapman, Doty, Flint, Franck, Gillette, Gleaves, Hall, Jones, La Rue, Luchsinger, Mahoney, Prisk, Simpson, Trout, and Withington—21.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt Senate Constitutional Amendment No. 39—Relative to the judicial department.

Also: Amended, and refused to pass, Senate Bill No. 314—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the 19th day of March, concurred in the Senate amendments to Assembly Bill No. 340—An Act making an appropriation to pay the claim of Clement Bennett for reporting the case of The Southern Pacific Company vs. The Board of Railroad Commissioners.

Also: To Assembly Bill No. 796—An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the payment of such bonds.

Also: To Assembly Bill No. 121—An Act to create and regulate in any city, or city and county in this State public warehouses, other than warehouses for the storage of grain or wool, and to enforce warehouse liens.

Also: That the Assembly on this day, as per your request, appointed Messrs. Guy, Leavitt, and Houghton, as a committee on conference to consider Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Also: That the Assembly on this day adopted the report of the conference committee on Assembly Bill No. 419—An Act to provide for the purchase and erection of a

complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation and sanitation of the State Capitol building, and making an appropriation therefor—and herewith return said bill to your honorable body.

S. J. DUCKWORTH, Chief Clerk.

Senate Constitutional Amendment No. 7—Proposing an amendment to Section 1 of Article XIV of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities and counties, cities, or towns, or the inhabitants thereof.

Committee Substitute for Senate Constitutional Amendment No. 7 read.

The roll was called, and Committee Substitute for Senate Constitutional Amendment No. 7 refused adoption by the following vote:

AYES—Senators Brauhart, Bulla, Gillette, Jones, Langford, La Rue, Luchsinger, Prisk, Trout, Withington, and Wolfe—11.

NOES—Senators Androus, Aram, Boyce, Chapman, Denison, Feeney, Gleaves, Hall, Morehouse, Shine, Simpson, and Toner—12.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate bills, as follows:

Substitute for Senate Bill No. 303—An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.

Also: Senate Bill No. 87—An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity.

Also: Senate Bill No. 89—An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Bill No. 513—An Act to provide for the construction of a State highway, or wagon road, from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor.

Also: Senate Bill No. 591—An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.

Also: Senate Bill No. 692—An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates.

Also: Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 7½, Article XI thereof, providing for the framing by the inhabitants of counties of local county government acts for their own government.

Also: Senate Constitutional Amendment No. 44—Providing for the organization of a court to be known as the Court of Claims.

And presented the same to the Governor on this day.

JONES, Chairman.

Assembly Constitutional Amendment No. 30—Proposed constitutional amendment, relative to revenue and taxation.

Assembly Constitutional Amendment No. 30 read.

The roll was called, and Assembly Constitutional Amendment No. 30 refused adoption by the following vote:

AYES—Senators Brauhart, Bulla, and Withington—3.

NOES—Senators Androus, Beard, Chapman, Denison, Feeney, Flint, Franck, Gillette, La Rue, Luchsinger, Mahoney, Morehouse, Prisk, Seawell, Shine, Simpson, Stratton, Toner, Trout, and Wolfe—20.

Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, relative to revenue and taxation.

Assembly Constitutional Amendment No. 40 read.

The roll was called, and Assembly Constitutional Amendment No. 40 refused adoption by the following vote:

AYES—Senators Andrews, Boyce, Braunnart, Bulla, Doty, Prisk, Seawell, Shine, and Wittington—6.

NOES—Senators Beard, Feeney, Flint, Gallette, Greaves, Hall, Jones, Langford, La Rue, Linder, Luchsinger, Morehouse, Shippee, Simpson, Smith, Toner, Trout, and Wolfe—15.

RESOLUTIONS—(OUT OF ORDER).

Senator Simpson offered the following resolution and voucher, and moved the suspension of the rules and the adoption of the resolution:

SACRAMENTO, March 20, 1897.

California State Senate, in account with Pacific Postal Telegraph Cable Co.

March 8—Telegram to Hon. Geo. C. Perkins, Washington, D. C. \$10 87

Resolved, That the Controller be and he is hereby directed to draw his warrant for the above amount and the Treasurer directed to pay the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Andrews, Beard, Boyce, Braunnart, Bulla, Doty, Feeney, Flint, Gallette, Greaves, Hall, Jones, La Rue, Morehouse, Prisk, Shippee, Simpson, Smith, Toner, Trout, Wittington, and Wolfe—22.

NOES—None.

Senator Andrews offered the following resolution:

Resolved, That A. B. Conrad, the bookkeeper to the Sergeant-at-Arms of the Senate, be and is hereby employed for one week after the adjournment of the thirty-second session of the Legislature, to continue the business of that office at the same per diem as now received by him for the same services, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant and the Treasurer is directed to pay the same.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage, and, on motion of Senator Simpson, the committee was requested to report immediately.

Senator Boyce submitted the following resolution, and moved its adoption:

Resolved, That the Superintendent of State Printing be and is hereby directed to have prepared and printed immediately after the adjournment of the thirty-second session of the Legislature, *vide die*, an index to all bills, joint and concurrent resolutions, and constitutional amendments introduced in the Senate during the present session; the index to be alphabetically arranged by authors and topics on a plan similar to the one followed in the index to bills introduced during the twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, and thirty-first sessions, and to be printed on paper similar in size and quality to that for printing Senate bills.

Four hundred and eighty copies shall be printed and one copy shall be mailed to each member of the Senate and Assembly. The sum of one hundred and twenty-five dollars (\$125) is hereby directed to be paid to the Superintendent of State Printing, out of the appropriation for the contingent expenses of the Senate for the compilation of and postage on the aforesaid index, and the Controller of State is hereby directed to draw his warrant for said sum, payable to the Superintendent of State Printing, out of the appropriation for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Andrews, Beard, Bert, Boyce, Braunnart, Bulla, Chapman, Doty, Feeney, Flint, Frank, Greaves, Hall, Henderson, La Rue, Linder, Luchsinger, Morehouse, Prisk, Shine, Simpson, Smith, Toner, Trout, and Wolfe—25.

NOES—Senator Jones—1.

Senator Denison offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of R. Hanford for the sum of \$7 25, the same being in payment for money advanced by him to pay for the expressage of the daily Senate mail from Post Office to Capital building. The same payable out of the Contingent Fund of the Senate. The Treasurer is directed to pay the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Boyce, Braunhart, Bulla, Chapman, Denison, Doty, Feency, Flint, Franck, Gleaves, Hall, Henderson, Jones, Langford, La Rue, Morehouse, Prisk, Shine, Simpson, Smith, Toner, Trout, and Wolfe—26.
NOES—None.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 14—Relative to returning to the Senate Senate Bill No. 136 for correction.

Also: That the Assembly on this day, as per your request, appointed, as a committee of free conference, Messrs. Valentine, Dibble, and Bridgford, to consider Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Concurrent Resolution No. 14 ordered to enrollment.

MOTION.

On motion of Senator Wolfe, Assembly Joint Resolution No. 27 was taken up.

During the reading, Senator Braunhart offered the following substitute, and moved its adoption:

ASSEMBLY JOINT RESOLUTION No. 27.

Relative to the punishment of seamen for leaving a vessel before the expiration of the term of service agreed upon.

WHEREAS, The seamen of our country are subject to arrest and imprisonment for leaving a vessel before the expiration of the term of service agreed upon; and

WHEREAS, This condition imposes upon our seamen a penal punishment for the violation of a civil contract, and is obviously an infringement to the thirteenth amendment of the Constitution of the United States; and

WHEREAS, The House of Representatives, at the first session of the fifty-fourth Congress, passed bills numbers twenty-six hundred and sixty-three and sixty-three hundred and ninety-nine, which abolish imprisonment for desertion, besides inaugurating several other much-needed reforms in the conditions of our seamen; therefore, be it

Resolved, That we condemn the principle of imprisonment for desertion among our seamen as unjust to them, unnecessary to commerce, and repugnant to our sense of American liberty; and, moreover, in view of the recent decision of the United States Supreme Court in the Arago case, we deem such law a menace to the personal rights of every other class of workers; and urge the passage of said bills by Congress.

Resolved, That we commend the action of the Representatives of California in Congress in their efforts to improve the condition of our seamen and of our merchant marine; and further

Resolved, That a copy of these resolutions be immediately forwarded to our Representatives in Congress, to the President of the United States Senate, and to Senator Frye, Chairman of the Committee on Commerce of the United States Senate.

The roll was called, and the substitute adopted by the following vote:

AYES—Senators Androus, Beard, Bert, Braunhart, Bulla, Dickinson, Doty, Flint, Franck, Gillette, Gleaves, Hall, Jones, Luchsinger, Mahoney, Morehouse, Prisk, Shine, Simpson, Trout, and Wolfe—21.
NOES—Senator Boyce—1.

LEAVE OF ABSENCE.

Senator Denison was granted a leave of absence for the day, as requested by Senator Androus.

RESOLUTION—(OUT OF ORDER).

Senator Smith offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate is hereby directed to plainly mark with the words "Senate, 1897," all desks, tables, chairs, and other furniture belonging to this body, before delivering the same to the Secretary of State, that the same may be available for the use of the Senate in the thirty-third session of the Legislature.

Resolution adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That A. B. Conrad, the bookkeeper to the Sergeant-at-Arms of the Senate, be and he is hereby employed for one week after the adjournment of the thirty-second session of the Legislature, to conclude the business of that office, at the same per diem as now received by him for the same services, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

WITHINGTON, for the Committee.

At eleven o'clock and forty-nine minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

WITHDRAWAL OF RESOLUTION.

Senator Androus asked unanimous consent to withdraw the foregoing resolution.

Consent granted, and resolution withdrawn.

RECESS.

On motion of Senator Flint, the President declared the Senate at recess until eleven o'clock and fifty minutes A. M.

RECONVENED.

At eleven o'clock and fifty minutes A. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Aram, Beards, Bert, Boyce, Braunhart, Bulla, Chapman, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Jones, La Rue, Luchsinger, Morehouse, Seawell, Shine, Shippee, Smith, Trout, Voorheis, Withington, and Wolfe.

Quorum present.

REPORT OF COMMITTEE OF FREE CONFERENCE.

MR. PRESIDENT: Your committee of free conference on Assembly Bill No. 990 have agreed as follows:

We recommend that the Senate recede from its amendment to Section 1, lines 11 and 12 of printed Assembly bill, and that said bill be amended by striking out all after the word "million," in line 11, and all of line 12, and inserting the words "five hundred and fifty-three thousand six hundred and two dollars."

Also: That the Senate recede from its amendment to Section 1, lines 18 and 19, and

that the Assembly bill as printed in the Assembly be amended by striking out of lines 18 and 19 all after the word "million" in line 18, and inserting the words "five hundred and fifty-three thousand six hundred and two dollars."

And that said Assembly Bill No. 990 be passed as so amended.

VOORHEIS,
DICKINSON,
DWYER,
Senate Committee.

VALENTINE,
DIBBLE,
BRIDGFORD,
Assembly Committee.

The roll was called, and the report of committee of free conference adopted by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Bulla, Doty, Dwyer, Feeney, Flint, Franck, Gillette, Gleaves, Jones, La Rue, Luchsinger, Mahoney, Morehouse, Seawell, Shine, Shippee, Smith, Toner, Trout, Voorheis, Withington, and Wolfe—28.

NOES—None.

At eleven o'clock and fifty-one minutes A. M., Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

MESSAGE FROM THE ASSEMBLY.

On motion, the following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the free conference committee, and finally passed Assembly Bill No. 990—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

QUESTION OF PRIVILEGE.

Senator Aram submitted the following, which was ordered printed in the Journal:

SACRAMENTO, March 20, 1897.

MR. PRESIDENT: As a question of privilege, I desire to make the following statement in relation to the Governor's veto message to Senate Bill No. 8. This morning I received the following autograph letter from the Governor:

"EXECUTIVE DEPARTMENT, SACRAMENTO, CAL.

"HON. E. ARAM: Please state to me in writing who drafted Senate Bill No. 8, and "greatly oblige,

"Yours truly,

"JAMES H. BUDD."

In reply to the above private communication I wrote the confidential letter signed by me, which appears in the veto message of this date.

While the facts stated in my communication are true, I submit that it was purely confidential, was not given for publication, and I am surprised that it should have been made public.

I request that this communication be spread upon the minutes of the Senate.

Respectfully,

EUGENE ARAM.

RESOLUTIONS.

By Senator Morehouse:

Resolved, That S. I. Jacobs be and he is hereby directed to arrange and compile, and forward to Senators, at the end of the session, on application, all bills, files, chapters, and other papers and documents now under his charge as Bill Clerk of the Senate, for which he shall be paid for seven days' service, at the same per diem now paid to him, payable out of the Contingent Fund of the Senate. The Controller of State is hereby authorized to draw his warrant for said amount, and the Treasurer is directed to pay the same.

The roll was called, and the resolution lost by the following vote:

AYES—Senators Androus, Aram, Beard, Bert, Boyce, Braunhart, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Franck, Gleaves, Henderson, La Rue, Linder, Mahoney, Morehouse, Shine, Toner, Voorheis, and Wolfe—23.

NOES—Senators Bulla, Gillette, Jones, Shippee, Trout, and Withington—6.

By Senator Bulla:

Resolved, That the Senate tender its thanks to Lieutenant-Governor Jeter, President of the Senate, for the able, impartial, and uniformly courteous manner in which he has discharged the arduous duties of presiding officer, and also for his many acts of kindness to the members individually, both in session and out of session.

Upon Senator Dickinson taking the chair the resolution was unanimously adopted by a standing vote, and Senator Smith arose, and in a pleasing speech informed President Jeter that he had been delegated by the Senators to present him, as a slight token of their esteem, the elegant silver tea-set on the Secretary's desk.

President Jeter responded with a speech that was roundly applauded.

By Senator Boyce:

Resolved, That the thanks of the Senate are hereby tendered to President pro tem. Flint of the Senate, for the able manner in which he has presided over the deliberations of the Senate, and we recognize in him an able member and conscientious Senator of this body.

Resolution unanimously adopted.

Lieutenant-Governor William T. Jeter, President of the Senate, resumed the chair.

Senator Dickinson arose and presented Senator Gillette with a gold-headed cane on behalf of the attachés of the Senate residing in the latter's district.

Senator Gillette spoke kindly of the donors, and received their gift with thanks.

RESOLUTIONS.

By Senator Luchsinger:

Resolved, That the Senate does hereby specially recognize the able, efficient, and untiring efforts to advance legislation, both in committee and Senate, by Hon. S. C. Smith, member from the Thirty-fourth Senatorial District.

Resolution unanimously adopted.

By Senator Morehouse:

Resolved, That the President appoint a committee to notify the Assembly that the Senate is ready to adjourn, and ascertain if that body has any further business to transact.

Adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed as such committee Senators Gleaves, Trout, and Seawell.

REPORT OF COMMITTEE ON FINANCE.

The following special report of Committee on Finance was received and read, and, on motion of Senator Voorheis, ordered printed in the Journal:

SACRAMENTO, March 11, 1897.

WHEREAS, George McCalvey appeared before the Committee on Finance to reply to a statement published in the press, to the effect that he had joined a lobby combination to secure the passage of a measure known as the "Coyote Claim Bill"; and

WHEREAS, An investigation by the committee failed to implicate the said George McCalvey;

Therefore, The committee report that there was no testimony introduced to implicate the said George McCalvey in any unlawful action.

VOORHEIS,
HENDERSON,
LUCINSINGER,
LINDER,
WOLFE,
FRANCK,
LA RUE,
SMITH,
FLINT,
Committee.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 534—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in, any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Also: Refused passage to Senate Bill No. 336—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Also: Adopted Senate Concurrent Resolution No. 4—Recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

Also: Passed Senate Bill No. 503—An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act," approved March 25, 1893.

Also: Senate Bill No. 601—An Act to amend Section 1238 of the Penal Code, relating to appeals by the people.

S. J. DUCKWORTH, Chief Clerk.
By W. G. HAWKETT, Assistant.

Senate Concurrent Resolution No. 4 and Senate Bills Nos. 534, 503, and 601 ordered to enrollment.

The President directed all chairmen of committees to return forthwith to the Secretary all bills referred to their committees and not as yet reported back to the Senate.

RESOLUTIONS.

By Senator Smith:

Resolved, That the Senate tender its thanks to F. J. Brandon, Secretary of the Senate, for his faithful, conscientious labors during the session just ending. He has at all times been careful in his duties and faithful to his trust, and the Senate recognizes in him a most capable and worthy officer, and one deserving of the highest praise for his uniformly courteous manner and efficient work.

Resolution unanimously adopted.

By Senator Seawell:

Resolved, That the thanks of the Senate be and are hereby tendered to Senator D. L. Withington, Chairman of the Committee on Rules and Revision, for the industrious and intelligent discharge of his duty as such, in the laborious, faithful, and able manner in which he has aided the Senate in enacting the legislation of the session, and as our expression of kindly regard for devotion to the best welfare of the State.

Resolution unanimously adopted.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 20, 1897.

MR. PRESIDENT: Your Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 136—An Act to establish a uniform system of county and township governments.

Also: Senate Bill No. 15—An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 534—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in, any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Also: Senate Bill No. 601—An Act to amend Section 1238 of the Penal Code, relating to appeals by the people.

Also: Senate Bill No. 503—An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act," approved March 25, 1893.

Also: Senate Concurrent Resolution No. 4—Recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

Also: Senate Bill No. 399—An Act making an appropriation for the purpose of constructing a reservoir, and laying and maintaining a line of pipe from said reservoir to the Marshall monument, and for other purposes.

Also: Senate Bill No. 382—An Act to empower the legislative body of any incorporated city or town within the State of California to levy taxes, and expend the same in eradicating fruit-tree pests in cities and towns having within their corporate limits two thousand acres or more of fruit trees.

Also: Senate Bill No. 451—An Act to require ordinances and resolutions, passed by the City Council or other legislative body of any municipality, to be presented to the Mayor or other chief executive officer of such municipality for his approval.

Also: Senate Bill No. 291—An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor.

Also: Senate Bill No. 246—An Act to amend Paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty.

Also: Senate Bill No. 719—An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California, as Sheriff of Plumas County.

Also: Senate Bill No. 521—An Act to provide for additional improvements at the State Insane Asylum located at Agnews, in the County of Santa Clara, State of California, and to make an appropriation therefor.

Also: Senate Bill No. 398—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Also: Senate Bill No. 292—An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses, residing at Evergreen, in the County of Santa Clara, at the Home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

Also: Senate Bill No. 549—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

Also: Senate Bill No. 531—An Act to amend Section 3472 of the Political Code of the State of California, relating to the formation of swamp land or reclamation districts.

Also: Senate Bill No. 530—An Act to amend Section 3493 of the Political Code of the State of California, relating to the dissolution of swamp land or reclamation districts.

Also: Senate Bill No. 563—An Act making an appropriation to pay the deficiency in the appropriation for support of Preston School of Industry, at Ione, California, for the forty-eighth fiscal year.

Also: Senate Bill No. 330—An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code, all of said sections relating to public lands, and revenue and taxation.

Also: Senate Bill No. 285—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 79½, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.

Also: Substitute for Senate Bill No. 419—An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation and sanitation of the State Capitol building, and making an appropriation therefor.

Also: Senate Bill No. 453—An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles, and other horseless vehicles.

Also: Senate Concurrent Resolution No. 13.

Also: Senate Concurrent Resolution No. 14.

Also: Substitute for Senate Bills Nos. 357, 358, and 361.

Also: Senate Bill No. 182—An Act to provide for the inspection of dairies, creameries, and cheese factories, as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals, to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor.

Also: Senate Bill No. 516—An Act to amend Section 1885 of the Political Code of the State of California, relating to form of bonds, when payable.

Also: Senate Bill No. 359—An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also: Senate Bill No. 309—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California.

Also: Senate Bill No. 467—An Act to amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for.

Also: Senate Bill No. 640—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor.

Also: Senate Bill No. 347—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

Also: Substitute for Senate Bill No. 362.

Also: Substitute for Senate Bill No. 64.

Also: Senate Bill No. 265—An Act entitled "An Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employes by the San Francisco Board of Health."

And presented the same to the Governor on this day.

JONES, Chairman.

RESOLUTION.

By Senator Mahoney:

Resolved, That the thanks of the Senate is hereby extended to Sergeant-at-Arms Blackburn, for his faithful attention to business and kindness extended to the members of the Senate.

Resolution adopted.

REPORT OF SPECIAL COMMITTEE.

Senators Gleaves, Trout, and Seawell, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

Report accepted, and committee discharged.

A committee from the Assembly, consisting of Messrs. Price, Dibble, and Valentine, announced that the Assembly was prepared to adjourn *sine die*, and asked if the Senate had any further communications to make or business to transact.

The committee was informed that the Senate had no further communications to make or business to transact.

RESOLUTION.

By Senator Seawell:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn, and ask if he has any further communications to transmit to the Senate.

Adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed as such committee Senators Smith, Morehouse, and Braunhart.

REPORT OF SPECIAL COMMITTEE.

The special committee, consisting of Senators Smith, Morehouse, and Braunhart, appointed to wait upon the Governor to notify him that the Senate was ready to adjourn, and to ask if he had any further communication to transmit to the Senate, reported that they had performed their duty, and that the Governor informed them that he had no further communication to transmit to the Senate.

Report accepted and committee discharged.

APPROVAL OF JOURNAL.

The minutes (Journal) of Saturday, March 20, 1897, were approved.

ADJOURNMENT SINE DIE.

Senator Dickinson moved that the Senate do now adjourn *sine die*.

The President of the Senate, Lieutenant-Governor Jeter, in stating the question, said:

The question before the Senate is the motion to adjourn *sine die*. Preliminary to the final vote upon the question, I ask the indulgence of the Senate for a moment, whilst I again thank you as a body, and as individual members, for the courtesy and exceptional consideration at all times extended to me. I have been profoundly impressed with your constant and unfailing patience, kindness, and manifestations of friendship from the very beginning to the close of this session.

In attempting to conscientiously discharge the duties devolving upon the presiding officer, I have had the support and assistance of your efficient President pro tem, and competent Secretary—always ready and obliging, their valuable knowledge and experience have at all times been at my command, and whatever of success has attended my earnest efforts to be absolutely impartial and fair, should be credited to this source of assistance, and the friendly attitude of you, gentlemen of the Senate.

It is worthy of mention that in the excitement always incident to debate in deliberative bodies not a single breach of decorum has occurred—not an appeal has been taken or a suggestion of appeal been made from any decision of the Chair; the disposition of the members, through the entire session, being manifest to attend strictly to the responsible work of enacting good laws, and defeating dangerous legislation, in a businesslike and honorable way, without waste of time on trivial things, and your independence, intelligence, and integrity have been most marked, a credit to our State, and deserving of the highest commendation.

I assumed the duties of presiding officer as a stranger to the greater number of the members, inexperienced in legislative procedure, and your constant aim has seemed to be to make my work light and agreeable in every possible way. All of this I gratefully appreciate. I have acquired much useful knowledge, and the friends I have found have taken possession of my heart in a way that cannot find expression in words. I ask you to accept and bear with you to your homes my sincere gratitude, good will, and respect.

The hour of twelve o'clock noon having arrived, I now declare the Senate of the thirty-second session of the Legislature of the State of California adjourned *sine die*.

WILLIAM T. JETER,
President of the Senate.

F. J. BRANDON,
Secretary of the Senate.
JOHN L. CHILDS,
Minute Clerk of the Senate.
THEODORE A. SIMPSON,
Journal Clerk of the Senate.

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| 3 | An Act to amend an Act relating to State School at Whittier. Androus | 46 | | |
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| 7 | An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such judges. Aram | 47 | 456 | 752 |
| 8 | An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses. Aram | 47 | 508 | 1025 |
| 9 | An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of the Boards of Trustees of certain cities. Beard | 47 | 167 | 375 |
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| 13 | An Act to amend an Act entitled "An Act to create a police relief, health, and life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889. Bert | 47 | 456 | 752 |
| 14 | An Act to validate the organization and incorporation of municipal corporations. Bert | 48 | 214 | 1018 |
| 15 | An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting seamen's and fishermen's wages from execution. Bert | 48 | 612 | 1331 |
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| 27 | An Act to prevent collusion between employers of labor and employment agents. Boyce..... | 49 | 276 | |
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| 33 | An Act for the certification of land titles and the simplification of the transfer of real estate. Bulla..... | 50 | 332 | 911 |
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| 38 | An Act appropriating the sum of \$5,000 for repairs and improvements in the State Normal School buildings at Los Angeles, California. Bulla..... | 50 | 806 | 1215 |
| 39 | An Act appropriating money to pay the expenses of preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Trans-Mississippi Exposition, to be held in Omaha, in 1898, and to provide for a commission and its expenses, a secretary of such commission, and the compensation of the secretary thereof. Bulla..... | 51 | 873 | |
| 40 | An Act to regulate the practice of architecture. Bulla..... | 51 | | |
| 41 | An Act to amend Section 1187 of the Code of Civil Procedure, concerning the filing of mechanics' liens, by adding a provision requiring the owner of real property to give notice of completion of improvements thereon. Bulla..... | 51 | | |
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| 49 | An Act to pay the claim of William H. Donnelly against the State of California and making an appropriation therefor. Dickinson..... | 51 | | |
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| 53 | An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor. Dickinson..... | 52 | 318 | 752 |
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| 56 | An Act to provide for the purchase of additional lands, and improving the same, at the Folsom State Prison, and making an appropriation therefor. Doty | 52 | 815 | 1290 |
| 57 | An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock and the disposition of the revenues derived therefrom. Doty | 52 | 475 | 921 |
| 58 | An Act to appropriate money for the erection of a monument upon the plot of ground belonging to the Sacramento Association of Veterans of the Mexican War, situate in the City Cemetery of Sacramento, and for the improvement of said grounds. Doty | 52 | | |
| 59 | An Act to pay the claim of Mrs. Sarah H. Wing against the State of California, and making an appropriation therefor. Doty | 52 | | |
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| 62 | An Act amending Section 3245 of the Political Code, relative to labor. Dwyer | 53 | 333 | |
| 63 | An Act to amend Section 5 of "An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes," approved March 27, 1895. Dwyer ... | 53 | 275 | 697 |
| 64 | An Act to establish a state hospital for special diseases, to provide for the management and maintenance of the same, and to make an appropriation therefor. Dwyer | 53 | 806 | 1368 |
| 65 | An Act to regulate the erection of buildings and structures by the authorities of cities, counties, or cities and counties, and to regulate contracts relating thereto. Dwyer | 53 | 612 | |
| 66 | An Act to authorize and require the State Board of Harbor Commissioners to commence and complete the construction of a certain portion of the seawall of the port of San Francisco. Feeney | 54 | | |
| 67 | An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1703½, concerning the distribution of estate and discharge of executors and administrators. Flint | 54 | 216 | 669 |
| 68 | An Act making an appropriation to pay the claim of Modoc County against the State of California. Gleaves | 54 | | |
| 69 | An Act to add to the Political Code of the State of California two new sections, to be numbered Sections 3246½ and 3247½, respectively, regulating the hours of labor of persons employed in bakeries. Hall | 54 | | |
| 70 | An Act to provide for the employment of citizens of the United States upon public works within this State. Hall | 54 | 333 | |
| 71 | An Act to enforce the prompt payment of the wages of laborers in lawful money of the United States of America. Hall | 54 | | |
| 72 | An Act to provide for the omission of costs in Justices' Courts in actions to recover for personal services. Henderson | 54 | | |
| 73 | An Act to provide for a bond for the protection of laborers upon public work. Henderson | 54 | 560 | |
| 74 | An Act to protect citizens in their civil rights. Henderson | 54 | | |
| 75 | An Act to amend Subdivision 9, of Section 862, of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Holloway | 54 | 483 | |
| 76 | An Act providing for the dissolution of certain corporations doing a banking business. Holloway | 54 | | |

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Senate | Passed
Assembly |
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| 79 | An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays. Jones..... | 54 | | |
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| 88 | An Act making an appropriation for the erection of a central building for the Southern California State Asylum for the Insane and Inebriates. Jones..... | 55 | | |
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| 90 | An Act for the relief of district agricultural associations. Langford..... | 55 | 674 | |
| 91 | An Act making an appropriation for the relief of J. E. Atkinson, for injuries by him sustained while engaged in the service of the State at the Stockton Insane Asylum. Langford..... | 55 | | |
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| 96 | An Act to repeal Sections 642 and 643 of the Political Code, relating to the Fish Commissioners. Langford..... | 56 | | |
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| 99 | An Act to amend and add a new section to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, | | | |

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Assembly |
|--------|--|-----------------|------------------|--------------------|
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| 101 | An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements, by the Trustees of the Napa State Asylum for the Insane, and appropriating money therefor. La Rue..... | 56 | 801 | 1182 |
| 102 | An Act to provide for the acquisition or condemnation of water by municipalities, and for the sale of an excess of water when owned by a municipality. Luchsinger..... | 57 | 671 | 1177 |
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| 105 | An Act relating to pawnbrokers, companies, and corporations doing business as such, prescribing their duties and obligations, and also prescribing penalties for the violation of any of the provisions of this Act. Mahoney..... | 57 | 512 | |
| 106 | An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches and prize or ring fights. Pedlar..... | 57 | 315 | |
| 107 | An Act to require an inventory of state and county property, and directing that a record of the same be kept. Pedlar..... | 57 | 166 | 396 |
| 108 | An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Pedlar..... | 57 | 549 | 1017 |
| 109 | An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation, to be expended under his directions in the discharge of his duties as such commissioner." Prisk..... | 57 | | |
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| 112 | An Act to amend Section 1137 of the Penal Code, relating to papers a jury may take when retiring. Seawell..... | 57 | 177 | |
| 113 | An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments, after the lapse of five years from the date of entry. Seawell..... | 57 | 178 | |
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| 117 | An Act governing the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums. Seawell..... | 58 | | |
| 118 | An Act to appropriate \$20,000 to furnish an additional water supply to the Mendocino Asylum; to construct an electric plant for lighting the asylum buildings and grounds, and purchase the necessary machinery and appliances therefor; to construct a building for said electric plant; to construct a dam; to purchase an ice plant and cold storage system for said asylum; to appropriate money therefor and provide for the expenditure of the same. Seawell..... | 58 | 803 | 940 |
| 119 | An Act to appropriate \$110,000 for the erection of an administration building for the use and occupancy of the officers, employés, and patients of the Mendocino Asylum; to purchase furniture and furnish the building so to be erected by the directors of said asylum; to appropriate money therefor, and provide for the expenditure of the same. Seawell.. | 58 | 804 | 1236 |

| Number | TITLE. | Intro-
duced. | Passed
Senate. | Passed
as mdy |
|--------|---|------------------|-------------------|------------------|
| 120 | An Act to legalize certain acknowledgments. Seawell | 58 | 215 | 670 |
| 121 | An Act to pay the claim of George A. Sturtevant, for services rendered as District Attorney of Mendocino County in foreclosing certificates of purchase of State school lands, and appropriating money to pay the same. Seawell | 58 | | |
| 122 | An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 663, 663½, respectively, providing for the setting aside of a judgment of a Superior Court, and the rendition of a new judgment without new trial. Seawell | 58 | 216 | 669 |
| 123 | An Act to amend Section 792 of the Political Code, so as to prohibit a county officer or his deputy from being a notary public. Seawell | 58 | | |
| 124 | An Act to amend Section 3681 of the Political Code of the State of California, relating to assessments and change of assessments by the Boards of Equalization of counties. Seawell | 58 | | |
| 125 | An Act to amend "An Act providing for the sale of railroad and other franchises in municipalities and relative to granting franchises," approved March 23, 1893, and confirming grants of franchises and privileges heretofore made. Seawell | 58 | | |
| 126 | An Act to amend Section 607 of the Code of Civil Procedure of the State of California, relating to order of procedure on trial. Seawell | 59 | 511 | |
| 127 | An Act to amend Section 172 of the Civil Code of the State of California, relating to the husband's control and distribution of the community property, and limiting the time in which to commence actions for the recovery of community property by wives. Simpson | 59 | | |
| 128 | An act to amend Section 1723 of the Code of Civil Procedure, relating to the disposition of life estates, or homestead or community property, on owner's death in certain cases. Simpson | 59 | 294 | 778 |
| 129 | An Act to amend Section 164 of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands. Simpson | 59 | 294 | 777 |
| 130 | An Act to amend "An Act to abolish attorneys' fees and other charges in foreclosure suits," approved March 27, 1874. Simpson | 59 | | |
| 131 | An Act entitled an Act to amend Section 3785 of the Political Code of the State of California, relating to the revenue and taxes of the State of California, and providing for the taking of tax deeds by the State, and fixing a limitation as to the time within which deeds may be taken by purchasers other than the State of California. Simpson | 59 | 317 | |
| 132 | An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid. Simpson | 59 | 318 | 851 |
| 133 | An Act entitled "An Act in relation to liens upon real property for expenses incurred by any public board or commission, and prescribing the manner of making said lien effective." Simpson | 59 | | |
| 134 | An Act to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893. Simpson | 59 | 884 | |
| 135 | An Act to prohibit the adulteration of honey, and to provide a punishment therefor. Simpson | 59 | 214 | 546 |
| 136 | An Act to establish a uniform system of county and township governments. Smith | 60 | 614 | 1256 |
| 137 | An Act to amend the Political Code of California, by adding a new section, to be known as Section 2644, relating to Road Commissioners. Smith | 60 | 481 | 1176 |
| 138 | An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing, and maintaining, taking down and returning, an exhibit of the products of the State of California, at the Tennessee Centennial Exposition, to be | | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Assembly |
|--------|---|-----------------|------------------|--------------------|
| | held in Nashville in 1897, and to provide for a commission, secretary of commission, and for the pay of the secretary thereof. Smith..... | 60 | 215 | 373 |
| 139 | An Act to amend Section 1521 of the Political Code, relating to the State Board of Education. Smith..... | 60 | | |
| 140 | An Act providing for general primary elections within the State of California, and to promote the purity thereof, by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes. Stratton..... | 60 | 539 | 847 |
| 141 | An act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments. Stratton..... | 60 | 563 | |
| 142 | An act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions. Stratton..... | 60 | 571 | |
| 143 | An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to appeal from judgment of Justices' or Police Courts. Stratton..... | 60 | | |
| 144 | An Act to amend Section 939 of the Code of Civil Procedure of the State of California, relating to time within which an appeal may be taken. Stratton..... | 60 | | |
| 145 | An Act to amend Section 475 of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders. Stratton..... | 60 | 338 | 750 |
| 146 | An Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, approved March 28, 1872, amendatory of Section 25 thereof, relating to the construction of buildings. Stratton..... | 60 | | |
| 147 | An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor. Stratton..... | 60 | | |
| 148 | An Act to amend Sections 739 and 769 of the Political Code, relating to the appointment of phonographic reporters by the Supreme Court. Stratton..... | 61 | | |
| 149 | An Act to amend Sections 379 and 1913 of the Code of Civil Procedure of the State of California, relating to parties defendant to civil actions and the effect of decrees. Stratton..... | 61 | | |
| 150 | An Act to amend Section 1323 of the Code of Civil Procedure of the State of California, relating to the probate of foreign wills. Stratton..... | 61 | 550 | |
| 151 | An Act to prevent trading in political conventions, and providing for penalties therefor. Stratton..... | 61 | | |
| 152 | An Act to amend Section 3555 of Article VI of the Political Code of the State of California. Voorheis..... | 61 | | |
| 153 | An Act making an appropriatinn to pay "L'Italia," a newspaper, for publishing proposed amendments to the Constitution of the State of California. Voorheis..... | 61 | | |
| 154 | An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor. Withington..... | 61 | | |
| 155 | An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses. Withington..... | 61 | 213 | 860 |
| 156 | An Act to establish the Norwegian system of selling intoxicating liquors, other than vinous and malt liquors. Withington..... | 61 | | |
| 157 | An Act to appropriate the sum of \$300, to pay the claim of A. L. Wood, for the capture of Francisco Torres. Withington..... | 61 | 037 | |
| 158 | An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by inserting a new section therein relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water. Withington..... | 61 | 464 | 672 |
| 159 | An Act to provide for the separation of the roads of each county of this State into two classes, and to provide for the levy and | | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
As'mbly |
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| | collection of sufficient revenue to permanently build and maintain each class of roads under separate management. Withington | 62 | | |
| 160 | An Act to regulate the sale of milk. Withington | 62 | | |
| 161 | An Act to amend Section 798 of the Political Code of the State of California, fixing the fees of notaries public. Withington | 62 | 511 | |
| 162 | An Act to regulate the salaries of certain officers in the Police Department of counties, cities, and cities and counties of this State having a population of two hundred thousand or more inhabitants, and to provide for the appointment and salaries of other officers of such department. Wolfe | 62 | | |
| 163 | An Act for the appointment of a commissioner to represent the State of California at the Central American Exhibition, to be held in the City of Guatemala on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commission and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor. Wolfe | 62 | | |
| 164 | An Act to amend Section 634 of the Political Code, in relation to insurance, approved April —, 1878. Morehouse | 62 | 909 | |
| 165 | An Act relating to the securities in which corporations organized under the laws of this State, to transact the business of life insurance, may invest their assests. Morehouse | 62 | | |
| 166 | An Act to amend an Act entitled "An Act relating to life, health accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891, relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance and corporations hereafter to be formed to conduct such business. Morehouse | 62 | | |
| 167 | An Act to increase the number of judges of the Superior Court of the County of Santa Clara and to provide for the appointment of an additional judge. Morehouse | 62 | | |
| 168 | An Act to establish and support a department of labor. Morehouse | 63 | | |
| 169 | An Act to promote the safety of employes and passengers upon railroads by compelling common carriers to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and to require street railroads to provide guards for cars and dummies, and to prescribe penalties. Brauhnart | 63 | 924 | |
| 170 | An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor. Doty | 64 | | |
| 171 | An Act to establish a uniform system of primary elections in the State of California, and to repeal Sections 1357 to 1365, both inclusive, of the Political Code of this State, constituting Chapter XIV, of Title II, Part III, of said Code, and to constitute the several sections of this Act as Chapter XIV of said Code, under the head "Primary Election Law." Bulla | 64 | | |
| 172 | An Act to amend an Act entitled "An Act to amend Section 647 of the Penal Code, concerning vagrants," approved March 19, 1891. Bulla | 64 | | |
| 173 | An Act to amend Section 1469 of the Penal Code, relating to new trials on appeal from Justices' Courts. Bulla | 64 | | |
| 174 | An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1430½, relating to trials without a jury in Justices' Courts. Bulla | 64 | | |
| 175 | An Act to authorize any city, or city and county of this State, to take its census. Bulla | 64 | | |
| 176 | An Act to amend Section 1668 of the Political Code of the State of California, relating to public schools, and employment of teachers of physical culture. Morehouse | 64 | 456 | |
| 177 | An Act to amend section 638 of the Civil Code of the State of California, relating to the interest to be charged, and security to be taken by mutual building and loan associations. Stratton | 64 | 166 | 670 |

| Number | TITLE | Intro-
duced | Passed
Senate | Passed
Assembly |
|--------|--|-----------------|------------------|--------------------|
| 178 | An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as section 1234. Stratton | | | |
| 179 | An Act to amend Section 581 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of civil actions. Stratton | 64 | 339 | 623 |
| 180 | An Act to amend "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivision of lands into small lots or tracts, for the purpose of sale, and providing a penalty for the selling, or offering for sale, any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893. Simpson | 64 | 323 | |
| 181 | An Act to provide for the inspection of dried and canned fruits, raisins, and nuts. Dickinson | 65 | 882 | |
| 182 | An Act to provide for the inspection of dairies, creameries, and cheese factories, as to their sanitary condition, and as to the health of dairy animals, and to prevent the sale of milk and butter and cheese made from milk drawn from diseased animals, to the people of this State, and to prevent the spread of contagious and infectious diseases, and to appropriate money therefor. Dickinson | 65 | | |
| 183 | An Act to enable cities incorporated and operating under a charter framed under Section 8, Article XI, of the Constitution, to abandon and annul such charter, and organize under general laws. Withington | 65 | 653 | 1320 |
| 184 | An Act establishing a State Normal School in San Diego County, California, and making an appropriation of \$75,000 therefor. Withington | 65 | | |
| 185 | An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco,'" which said amendatory and supplemental Act now amended was approved February 23, 1893, and to fix the term of office of the Judges of said court. Braunhart | 65 | | |
| 186 | An Act authorizing and empowering the Board of State Harbor Commissioners to grant, exchange, or transfer certain property. Braunhart | 65 | 342 | |
| 187 | An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund and San Francisco Depot Fund. Braunhart | 66 | | |
| 188 | An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895. Braunhart | 66 | | |
| 189 | An Act to amend Sections 566 and 641 of "An Act entitled an Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees. Braunhart | 66 | 342 | 777 |
| 190 | An Act to amend Section 1272 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to public administrators. Braunhart | 66 | | |
| 191 | An Act concerning champerty and maintenance, and to punish those guilty thereof. Braunhart | 66 | | |
| 192 | An Act to amend Sections 1444 and 1445 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons. Braunhart | 66 | | |
| 193 | An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to estates of deceased persons. Braunhart | 66 | 849 | |
| 194 | An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons. Braunhart | 66 | | |
| 195 | An Act to regulate medical practice to prevent blindness in infants. Pedlar | 66 | 316 | 548 |

| Number | TITLE. | Intro-
duced. | Passed
Senate. | Passed
Asmblly |
|--------|---|------------------|-------------------|-------------------|
| 196 | An Act to amend Section 340 of the Penal Code of California, relating to pawnbrokers. Androus | 66 | 696 | |
| 197 | An Act to amend Sections 237, 245, 246, and 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employés of the Legislature. Brauhart | 66 | | |
| 198 | An Act regulating the width of tires upon wagons and other vehicles to be used upon the public roads and highways in the State of California. Holloway | 67 | 561 | 1039 |
| 199 | An Act making an appropriation to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in 1894 and 1895. Voorheis | 74 | | |
| 200 | An Act making an appropriation to pay the claim of the Tribune Publishing Company for advertising the constitutional amendments. Voorheis | 74 | | |
| 201 | An Act making an appropriation to pay the claim of James McClatchy & Company, publishers of the Bee, for advertising the constitutional amendments. Voorheis | 74 | | |
| 202 | An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments. Voorheis | 74 | | |
| 203 | An Act making an appropriation to pay the deficiency incurred by calling the National Guard into service, by order of the Governor, in 1894. Voorheis | 74 | | |
| 204 | An Act making an appropriation to pay the Daily Report Publishing Company, for advertising the constitutional amendments. Voorheis | 75 | | |
| 205 | An Act making an appropriation to pay for advertising the constitutional amendments for 1894. Voorheis | 75 | 1066 | 1294 |
| 206 | An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments. Voorheis | 75 | | |
| 207 | An Act making an appropriation to pay the claim of George A. Sturtevant, for costs of suits in foreclosing delinquent purchasers of State school lands. Voorheis | 75 | | |
| 208 | An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom. Voorheis | 75 | | |
| 209 | An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works. Voorheis | 75 | | |
| 210 | An Act making an appropriation to pay the claim of Britton & Rey, for expenses incurred in furnishing maps to the State Mining Bureau. Voorheis | 75 | | |
| 211 | An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners, from February 15, 1891, to March 21, 1891. Voorheis | 75 | | |
| 212 | An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Railroad Commissioners of the State of California. Voorheis | 75 | | |
| 213 | An Act making an appropriation to pay the claims of C. E. Cunningham and W. C. Rodgers, for services as elevator attendants, in the State Capitol building. Voorheis | 75 | | |
| 214 | An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health. Voorheis | 76 | | |
| 215 | An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the law. Voorheis | 76 | | |
| 216 | An Act making an appropriation to pay the claims of the State Board of Health, for traveling expenses. Voorheis | 76 | | |
| 217 | An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan, for attempted highway robbery. Voorheis | 76 | | |
| 218 | An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel McGuire, for attempted highway robbery. Voorheis | 76 | | |

| Number | TITLE | Intro-duced | Passed Senate | Passed As mdy |
|--------|--|-------------|---------------|---------------|
| 219 | An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener, for attempted highway robbery. Voorheis | 76 | | |
| 220 | An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall, for attempted highway robbery. Voorheis | 76 | | |
| 221 | An Act making an appropriation to pay the claim of R. J. Broughton, for transportation of prisoners. Voorheis | 76 | | |
| 222 | An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins. Voorheis | 76 | | |
| 223 | An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond. Voorheis | 76 | | |
| 224 | An Act making an appropriation to pay the claim of William Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada. Voorheis | 76 | | |
| 225 | An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb. Voorheis | 77 | | |
| 226 | An Act making an appropriation to pay the claim of George E. Lawrence, for services rendered the State of California, at the funeral of the late Lieutenant-Governor Millard. Voorheis | 77 | | |
| 227 | An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard. Voorheis | 77 | | |
| 228 | An Act making an appropriation to pay the deficiency in the appropriation "to provide for the erection and operation of rock-crushing plants at the State prisons," etc. Voorheis | 77 | | |
| 229 | An Act making an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for Insane and Inebriates, for the forty-seventh fiscal year. Voorheis | 77 | | |
| 230 | An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by Statutes of 1899, page 7. Voorheis | 77 | | |
| 231 | An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments. Voorheis | 77 | | |
| 232 | An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the forty-sixth fiscal year. Voorheis | 77 | | |
| 233 | An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a Court of Inquiry of the National Guard of the State of California. Voorheis | 77 | | |
| 234 | An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy, in conveying children to Whittier. Voorheis | 77 | | |
| 235 | An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker for arrest and conviction of Ed Ward. Voorheis | 77 | | |
| 236 | An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker. Voorheis | 78 | | |
| 237 | An Act making an appropriation to pay the deficiency in the appropriation for the Forestry stations for the forty-sixth fiscal year. Voorheis | 78 | | |
| 238 | An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894. Voorheis | 78 | | |
| 239 | An Act making an appropriation to pay the claim of the Examiner for advertising the constitutional amendments. Voorheis | 78 | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Asmblly |
|--------|--|-----------------|------------------|-------------------|
| 240 | An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of State school lands. Voorheis | 78 | | |
| 241 | An Act making an appropriation to pay the deficiency in the appropriation for repairs to capitol building and furniture, etc. Voorheis | 78 | | |
| 242 | An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners. Voorheis | 78 | | |
| 243 | An Act making an appropriation to pay the deficiency in the appropriation for care of State Burial Grounds, for services rendered by W. C. Farnsworth. Voorheis | 78 | | |
| 244 | An Act making an appropriation to pay the claim of Sarah H. Wing, for the killing of her husband, O. H. Wing. Voorheis .. | 78 | | |
| 245 | An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard. Voorheis | 78 | | |
| 246 | An Act to amend paragraph 11, Section 200, of the Code of Civil Procedure of the State of California, relating to exempting exempt firemen from jury duty. Voorheis | 79 | 613 | 1371 |
| 247 | An Act for the relief of John Mullan, and to appropriate money therefor. Chapman | 79 | | |
| 248 | An Act to amend an Act entitled "An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 17, 1895. Linder | 79 | 966 | |
| 249 | An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees, an expense payable as an expense of administration. Stratton | 79 | | |
| 250 | An Act to amend an Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, relating to fees to be paid County Clerks. Androus | 79 | | |
| 251 | An Act fixing the minimum rate of compensation for labor on public work. Dwyer | 79 | | |
| 252 | An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin. Dickinson | 79 | | |
| 253 | An Act to add a new section to the Penal Code, to be known as Section 367 thereof, relating to dealing in convict-made goods. Dickinson | 79 | | |
| 254 | An Act entitled "An Act to prevent the manufacture in penal institutions, of other goods than jute bags and broken stone for roads and highways, and of materials consumed in the State penal institutions." Dickinson | 79 | | |
| 255 | An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation suits. Beard | 79 | 643 | |
| 256 | An Act to provide for the giving of bonds by the keeper of intelligence offices, defining the same, and their liabilities. Morehouse | 79 | | |
| 257 | An Act to amend Section 8 of an Act relative to providing an additional Police Court in San Francisco and appointing a Judge for same, and relative to stenographers. Braunhart .. | 80 | | |
| 258 | An Act to appropriate \$5000 for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects. Holloway | 80 | | |
| 259 | An Act to appropriate money for the uses of the State Board of Horticulture. Holloway | 80 | 1061 | 1307 |
| 260 | An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor. Simpson | 80 | 514 | 956 |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Assembly |
|--------|---|-----------------|------------------|--------------------|
| 261 | An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor. Simpson..... | 80 | 571 | 1156 |
| 262 | An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California. Mahoney..... | 80 | | |
| 263 | An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known as Section 99, relating to the appointment of attendants for Justices' Courts. Mahoney.... | 80 | | |
| 264 | An Act to amend an Act entitled "An Act amendatory and supplemental to an Act entitled 'An Act to create a Police Court in and for the City and County of San Francisco, State of California,' approved March 5, 1889, and providing for an additional department, to be known as Department No. 4, and the appointment of a suitable person to act as Judge of said court," approved February 23, 1893, and providing for the appointment of a Prosecuting Attorney for said court. Mahoney..... | 80 | | |
| 265 | An Act entitled an Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employes by the San Francisco Board of Health. Dickinson..... | 80 | 673 | 1369 |
| 266 | An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America. Voorheis..... | 86 | 215 | 374 |
| 267 | An Act to amend Section 276 of the Code of Civil Procedure, providing for the examination of and admission of applicants to practice as attorneys. Voorheis..... | 86 | | |
| 268 | An Act to amend an Act entitled "An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays. Bert..... | 86 | 335 | 622 |
| 269 | An Act to amend an Act entitled "An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays. Bert..... | 86 | 335 | 622 |
| 270 | An Act to amend an Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays. Bert..... | 86 | 336 | 623 |
| 271 | An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295 85) to pay the claim of Tribune Printing Company against the State. Smith..... | 86 | 1062 | 1313 |
| 272 | An Act supplementary to an Act entitled "An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes," approved March 27, 1895. Mahoney..... | 86 | | |
| 273 | An Act to amend Section 1313 of the Civil Code, relating to restriction on the power of devise to charitable uses. Voorheis..... | 87 | 613 | |
| 274 | An Act to establish as public schools technical schools endowed by private gift, coming within certain requirements, and to encourage such endowments. Voorheis..... | 87 | | |
| 275 | An Act to amend Section 388 of the Civil Code of the State of California, relative to the sale of a franchise to collect tolls. Voorheis..... | 88 | 339 | 623 |
| 276 | An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gates. Voorheis..... | 88 | 340 | |
| 277 | An Act entitled "An Act to amend Section 3819 of the Political Code of the State of California," relating to the payment of taxes under protest. Seawell..... | 88 | | |
| 278 | An Act to amend Section 3817 of the Political Code of the State of California, relating to the redemption of real estate sold for taxes. Seawell..... | 88 | | |
| 279 | An Act to amend Section 312 of the Code of Civil Procedure of the State of California, relating to the time of commencing action. Seawell..... | 88 | | |

| Number | TITLE. | Intro-
duced. | Passed
Senate. | Passed
Asmby |
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| 280 | An Act to amend Sections 8 and 49 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895. Seawell | 88 | | |
| 281 | An Act to amend Section 29 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887. Seawell | 88 | | |
| 282 | An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property. Seawell | 88 | | |
| 283 | An Act to amend Section 321 of the Penal Code of California, relating to lotteries and lottery tickets. Androus | 88 | | |
| 284 | An Act to amend Section 322 of the Penal Code of California, relating to lotteries. Androus | 88 | | |
| 285 | An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 79½, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage. Simpson | 89 | 562 | 1388 |
| 286 | An act to amend Section 3805 of the Political Code, relating to the revenue and taxes of the State of California, and providing a method for the cancellation of tax sales and deeds in certain cases. Simpson | 89 | | |
| 287 | An Act for the relief of Charles F. Wells, and to appropriate money therefor. Dickinson | 89 | | |
| 288 | An Act to provide for the completion and equipment of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California, and to make an appropriation therefor. Stratton | 89 | 807 | 1212 |
| 289 | An Act to change the name of the Industrial Home of Mechanical Trades for the Adult Blind of California to "Home for Adult Blind." Stratton | 89 | 293 | |
| 290 | An Act authorizing and empowering the Board of School Trustees of the City of San José, County of Santa Clara, State of California, to erect, construct and build, and maintain, at the expense of the said City of San José, a high school building, on the north side of the State Normal grounds at San José, between Sixth and Seventh streets, in said city. Morehouse | 89 | 539 | 957 |
| 291 | An Act to provide for reseating the hall in the State Normal School building at San José, and for the building of a gymnasium for the said State Normal School, and to provide an appropriation therefor. Morehouse | 89 | 805 | 1362 |
| 292 | An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses, residing at Evergreen, in the County of Santa Clara, at the Home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year. Morehouse | 89 | 806 | 1363 |
| 293 | An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the Commissioners for the Revision and Reform of the Law," approved March 28, 1895. Morehouse | 89 | 708 | |
| 294 | An Act for the improvement of the harbor of San Diego, and to appropriate the sum of \$50,000 for the erection of a State wharf, purchasing a dredger, and paying the legal expenses incident to securing possession of the tide lands on the bay of San Diego, and paying other indebtedness of the State Board of Harbor Commissioners for the Bay of San Diego. Withington | 90 | 1001 | |
| 295 | An Act to amend Section 270 of the Code of Civil Procedure, relative to the qualifications and competency of phonographic reporters of the courts of this State. Pedlar | 90 | | |
| 296 | An Act to amend Section 170 of the Code of Civil Procedure, relative to the disqualification of judges and justices of the peace. Pedlar | 90 | | |

| Number | TITLE. | Intro
duced | Passed
Senate | Passed
Assembly |
|--------|---|----------------|------------------|--------------------|
| 297 | An Act to amend the section referring to jurors' fees in "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, approved March 28, 1895. Pedlar..... | 90 | | |
| 298 | An Act providing for the appointment of an auditing board to the Commissioner of Public Works. Aram..... | 90 | | |
| 299 | An Act relating to telephone, and electric light, heat, and power companies. Linder..... | 90 | | |
| 300 | An Act relating to the taxation of telephone, and electric light, heat, and power companies. Linder..... | 90 | | |
| 301 | An Act requiring street railway companies in any city, city and county, or town of this State, to issue package tickets, providing for the redemption thereof. Brauhart..... | 90 | | |
| 302 | An Act making an appropriation to pay the claim of John F. Kidder, for traveling expenses from August 15, 1893, to December 21, 1896, inclusive. Voorheis..... | 91 | | |
| 303 | An Act making an appropriation to pay the sum fixed, awarded, and allowed by the State Board of Examiners, as fees for services to date, of the additional counsel employed to assist the Attorney-General in the defense of the suit brought in the United States Circuit Court for the Northern District of California, by the Southern Pacific Company against the Board of Railroad Commissioners of the State of California. Voorheis..... | 91 | 1002 | 1277 |
| 304 | An Act to amend Section 690 of the Code of Civil Procedure, relating to exemptions from execution. Toner..... | 91 | | |
| 305 | An Act removing lands used for soldiers' homes from school districts within the State, and designating school facilities for children of school age residing within such territory. Androus..... | 91 | | |
| 306 | An Act prohibiting the burial of the dead within the corporate limits of any incorporated city, or city and county, of over one hundred thousand inhabitants, from and after the 1st day of January, A. D. 1900. Mahoney..... | 91 | | |
| 307 | An Act making an appropriation to pay the claim of Thomas Hatch. Mahoney..... | 91 | | |
| 308 | An Act to protect and promote the canning interests of the State, and to regulate the labeling of canned vegetables, fruits, fish, and meats. Denison..... | 100 | | |
| 309 | An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California. Denison..... | 100 | 1100 | 1364 |
| 310 | An Act for the protection of the Antwerp messenger or homing pigeon. Stratton..... | 100 | 339 | 671 |
| 311 | An Act appropriating the sum of \$15,000 for the erection in Golden Gate Park, San Francisco, Cal., of a monument or statue to the memory of Col. E. D. Baker, and appointment of a commission to carry into effect the provisions of this Act. Stratton..... | 100 | | |
| 312 | An Act to provide for the payment of interest at the statutory rate to every bona fide owner and holder of any unlocated or uncanceled school land warrant issued under the Act of the State of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and to each and every person having owned and canceled any such warrant or warrants under the Act of March 23, 1893. Langford..... | 100 | | |
| 313 | An Act adding a new section to the Civil Code, relating to the location of, and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs, by railroad and other transportation companies in the State of California, and fixing a penalty for failure to comply thereto. Androus..... | 100 | | |
| 314 | An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith. Androus..... | 101 | 739 | |

| Number | TITLE. | Intro-
duced. | Passed
Senate. | Passed
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| 315 | An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramle Culture. Voorheis | 101 | 1075 | 1318 |
| 316 | An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners. Voorheis | 101 | | |
| 317 | An Act to amend Section 1216 of the Penal Code, relating to duty of Sheriff on receiving copy of judgment of imprisonment. Toner | 101 | | |
| 318 | An Act to provide for the protection and preservation of public highways from damage by storm-waters and floods, and to authorize the expenditure of public moneys for the purposes thereof. Jones | 101 | 1029 | 1320 |
| 319 | An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, by amending Section 235, relating to the classification of new counties, and the re-classification of any existing county, when the population of such county shall have been reduced by reason of the creation of any new county from the territory thereof. Jones..... | 101 | | |
| 320 | An Act to amend Sections 3746, 3756, 3758, 3759, 3764, and 3767 of the Political Code, relating to the time of payment of taxes. Jones..... | 101 | | |
| 321 | An Act to establish a State Normal School in San Luis Obispo County, California, and making an appropriation of \$100,000 therefor. Smith | 101 | 815 | 1291 |
| 322 | An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions thereof. Mahoney | 101 | | |
| 323 | An Act to amend Sections 332 and 342 of the Civil Code, relative to assessments and the sale of the stock of corporations. Mahoney | 102 | | |
| 324 | An Act for the better protection of the stockholders in corporations doing business in the State of California, formed for any purpose whatsoever. Mahoney | 102 | | |
| 325 | An Act providing for a general primary election within the State of California, and to promote the purity thereof, by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and providing for the use of party vignettes, and the protection thereof, and repealing all other Acts in conflict with this Act. Mahoney | 102 | | |
| 326 | An Act to appropriate \$4,750 as compensation to The California Demokrat Publishing Company, for having published proposed amendments to the Constitution of the State of California, during the year 1894. Bert | 102 | | |
| 327 | An Act appropriating the sum of \$49,609 for a thorough system of ventilation for the Capitol building, and the remodeling and ventilation of the water-closets therein. Henderson | 102 | | |
| 328 | An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting typewriters and bicycles from execution. Braunhart | 102 | | |
| 329 | An Act making an appropriation to pay the expenses of experts and the costs and expenses of litigation, of the suit now pending in the Circuit Court of the United States for the Northern District of California, wherein the Southern Pacific Company is plaintiff, and the Board of Railroad Commissioners of the State of California is defendant. Holloway | 102 | | |
| 330 | An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code; all of said sections relating to public lands, and revenue and taxation. Bulla | 111 | 1100 | 1369 |

| Number | TITLE | Intro-
duced | Passed
Senate | Passed
Assembly |
|--------|---|-----------------|------------------|--------------------|
| 381 | An Act to amend section 142 of the Penal Code of the State of California relating to jury trials in criminal cases. Bulla | 111 | | |
| 382 | An Act to amend section 1281 of the Code of Civil Procedure to provide that petitions in certain relations to parties are prosecuted from description. Wicks | 111 | 590 | 1589 |
| 383 | An Act for the protection and cooperation of shrimps. Feeley | 111 | | |
| 384 | An Act to amend section 616 of an Act entitled "An Act to establish a Civil Code" approved March 11, 1872 relating to delinquent corporations. Gillette | 111 | 341 | |
| 385 | An Act to amend section 115 of the Code of Civil Procedure relating to the compensation for commission services in the foreclosure of mortgages approved March 4, 1892. Gillette | 111 | | |
| 386 | An Act to amend section 1229 of the Code of Civil Procedure of the State of California concerning the right of eminent domain. Wicks | 111 | 1669 | |
| 387 | An Act to amend an Act of the Legislature of the State of California entitled "An Act to establish a Penal Code." approved February 14, 1872 by adding thereto a new section, to be known and numbered as section 120 relating to the sale and use of opium, and any preparation thereof. Mahoney | 111 | | |
| 388 | An Act to amend sections 1261, 1262 and 1264 of Chapter 111, Title V of the Political Code relating to the state library. Voorheis | 111 | 317 | |
| 389 | An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties cities and towns of the State to provide treatment or benefits for the relief of aged, infirm or disabled firemen," approved March 11, 1890. Voorheis | 111 | | |
| 390 | An Act to provide for the purchase of additional land for the Preston School of Industry at Lone. Voorheis | 112 | 857 | 1316 |
| 391 | An Act to provide for the construction of a reservoir for settling and storing water at the Preston School of Industry and making an appropriation therefor. Voorheis | 112 | 799 | 1231 |
| 392 | An Act to appropriate money for the erection of additional buildings at the Preston School of Industry at Lone and for furnishing and equipping the same. Voorheis | 112 | 799 | 1231 |
| 393 | An Act to provide for certain improvements at the Preston School of Industry and making an appropriation therefor. Voorheis | 112 | 799 | 1231 |
| 394 | An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds to be held in trust for the benefit of the State School Land Fund. Voorheis | 112 | 323 | |
| 395 | An Act transferring the sum of \$2000 from the General Fund to the Estates of Deceased Persons Fund. Voorheis | 112 | 316 | |
| 396 | An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to protect and promote horticultural interests of the State," approved March 10, 1890. Andrews | 112 | | |
| 397 | An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature. Andrews | 112 | 1074 | 1362 |
| 398 | An Act providing for establishing building grounds or maintenance of any hospital, sanitarium, building or other structure used or intended to be used for the reception, care or treatment of any person or persons afflicted with any contagious or infectious disease within three thousand feet of any state prison, other state, city, or municipal institution, or any other institution. Wicks | 112 | 691 | |
| 399 | An Act to authorize boards of health of municipalities and counties of the State to cause examinations for nuisances and to compel attendance of witnesses before such boards. Wicks | 113 | | |
| 400 | An Act to confer further powers upon the boards of health of the municipalities and counties in this State. Wicks | 113 | | |
| 401 | An Act entitled an Act to amend section 1146 of the Political Code, relating to elections. Mahoney | 113 | 653 | 1224 |

| Number | TITLE. | Intro-
duced | Passed
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Assembly |
|--------|---|-----------------|------------------|--------------------|
| 352 | An Act to amend Section 1881 of the Code of Civil Procedure of the State of California, relative to the examination of witnesses holding certain relations. Morehouse..... | 113 | | |
| 353 | An Act to provide for the establishment of a Board of Examiners for the California State Therapeutic Society and College, which is to be self-sustaining. Morehouse..... | 113 | | |
| 354 | An Act to amend Sections 1895, 1912, 1915, 1917, 1919, 1923, 1938, 1951, 1955, 1958, 1962, 1965, 1968, 1982, 1984, 1990, 2003, 2006, 2007, 2020, 2023, 2028, 2031, 2094, and 2101 of the Political Code, State of California, relating to the National Guard; and to repeal Sections 1913, 1945, 2099, 2105, 2109, and 2110 of the Political Code, State of California, relating to the National Guard, and to add one new section to the Political Code, State of California, relating to the National Guard, to be known and numbered as Section 1946. Dwyer..... | 113 | | |
| 355 | An Act to repeal an Act entitled "An Act to define the duties of inspectors of rifle practice of the National Guard of California," approved March 30, 1878. Dwyer..... | 113 | | |
| 356 | An Act to amend Section 729 of the Penal Code, State of California, relating to the National Guard. Dwyer..... | 113 | | |
| 357 | An Act to provide additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to equip the same for occupancy and use, to provide a system of electric lighting therein, and making an appropriation therefor. Holloway..... | 113 | 801 | 1361 |
| 358 | An Act to provide for the erection of a suitable storage reservoir, to lay mains with all necessary connections, and to provide power and apparatus; to make and complete a new water-works system for fire emergency, storage, and motive purposes, at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor. Holloway..... | 113 | 801 | 1361 |
| 359 | An Act to provide for the fencing of the farm property, the further equipment of the farm, and for the laying out and care of the grounds at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor. Holloway..... | 114 | 800 | 1363 |
| 360 | An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children, to admit idiots, epileptics, and mentally enfeebled paralytics into said institution. Holloway..... | 114 | | |
| 361 | An Act to provide for completion of the main building of the California Home for the Care and Training of Feeble-Minded Children. Holloway..... | 114 | 801 | 1361 |
| 362 | An Act authorizing the Secretary of State to appoint an additional clerk in his office. Bert..... | 114 | 691 | 1370 |
| 363 | An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, southward from its present southerly terminus, near the foot of Mission Street, on the water front of the City and County of San Francisco. Braunhart..... | 114 | 956 | 1322 |
| 364 | An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893. Stratton..... | 114 | 711 | 940 |
| 365 | An Act authorizing a party required to give a bond or undertaking, to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible. Dickinson..... | 114 | 872 | |
| 366 | An Act entitled an Act to amend the Political Code by adding a new section, requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State, when contracting for or purchasing goods or other property. Dickinson..... | 114 | | |
| 367 | An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of | | | |

| Number | TITLE | Intro-
duced | Passed
Senate | Passed
Assembly |
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| | the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States. Dickinson | 115 | | |
| 368 | An Act entitled "An Act to amend the Political Code, by adding a new section, requiring all goods, wares, and merchandise made in any prison, or other establishment in which convict labor is employed, to be branded or labeled for identification." Dickinson | 115 | | |
| 369 | An Act to amend Section 1213 of the Civil Code of the State of California, relative to the recording of conveyances. Shippee | 115 | 342 | 696 |
| 370 | An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations. Aram | 130 | 540 | 1228 |
| 371 | An Act making an appropriation for improving the Capitol buildings and grounds. Doty | 130 | | |
| 372 | An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain. Langford | 130 | 696 | 1232 |
| 373 | An Act to amend Section 456 of the Civil Code, relating to railroads. Langford | 130 | 485 | 777 |
| 374 | An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote horticultural interests of the State,'" approved March 10, 1889. Boyce | 130 | | |
| 375 | An Act to amend Section 3446 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the formation of reclamation districts. Linder | 130 | 927 | |
| 376 | An Act to amend Section 5 of an Act entitled "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamps and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893. Linder | 130 | | |
| 377 | An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, by amending Section 173 thereof, relating to counties of the eleventh class. Linder | 131 | | |
| 378 | An Act to prevent the use of paranzella or dragnet in the waters of this State. Henderson | 131 | | |
| 379 | An Act to regulate the business of running and conducting sleeping cars for profit over railroads within the State of California, and to provide a penalty for the violation of the provisions of this Act. Feeney | 131 | | |
| 380 | An Act relating to telephone, and electric light, heat, and power companies. Feeney | 131 | | |
| 381 | An Act to add a new section to the Penal Code, to be known and numbered Section 655, relating to dealing in options. Mahoney | 131 | | |
| 382 | An Act to empower the legislative body of any incorporated city or town within the State of California to levy taxes, and expend the same, in eradicating fruit-tree pests in cities and towns, having within their corporate limits two thousand acres or more of fruit trees. Jones | 131 | 742 | 1369 |
| 383 | An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote horticultural interests of the State,'" approved March 14, 1881; approved March 19, 1889; approved March 31, 1891. Jones | 131 | | |
| 384 | An Act to prohibit the officers and employes of banks and banking corporations from borrowing the funds thereof. Toner | 131 | | |
| 385 | An Act prohibiting the use of barbed wire fence along public highways. Toner | 131 | | |
| 386 | An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor. Stratton | 132 | 1065 | 1292 |
| 387 | An Act making an appropriation for the construction of a cement floor in the basement of the State Normal School building at Chico. Shippee | 132 | | |
| 388 | An Act making an appropriation for a fence in front of the grounds of the State Normal School building at Chico. Shippee | 132 | | |
| 389 | An Act making an appropriation for the erection of an additional building for the State Normal School at Chico. Shippee | 132 | 837 | 1297 |

| Number | TITLE. | Intro-
duced | Passed
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| 390 | An Act to amend Section 60 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893. Braunhart..... | 132 | | |
| 391 | An Act to prohibit the keeping, maintaining, and employing the device known as "nickel-in-the-slot machine," or other similar device or devices for the hazarding of any money, or for the disposal of, or promise to dispose of, any liquor, cigars, or other commodities, or any valuable article or thing of whatsoever nature. Bert..... | 138 | | |
| 392 | An Act to amend Section 499 of the Civil Code, relating to street railways operated under different managements. Bulla..... | 138 | 645 | |
| 393 | An Act to amend Sections 1817 and 1818 of the Political Code, relating to the public schools. Simpson..... | 138 | 694 | |
| 394 | An Act to provide for the payment of the claim of D. E. O'Keefe, for advertising done for the State of California, in the San Mateo County Journal. Trout..... | 138 | 1077 | |
| 395 | An Act to amend Sections 1577, 1579, and 1581 of the Political Code, relating to the public schools. Trout..... | 138 | | |
| 396 | An Act to amend "An Act amendatory of an Act entitled 'An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining,'" approved March 30, 1874. Voorheis..... | 138 | | |
| 397 | An Act appropriating money to provide for the erection and furnishing of a residence for the medical superintendent of the State Insane Asylum at Stockton, California. Langford..... | 138 | | |
| 398 | An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton. Langford..... | 139 | 798 | 1363 |
| 399 | An Act making an appropriation for the purpose of constructing a reservoir, and laying and maintaining a line of pipe from said reservoir to the Marshall monument, and for other purposes. Chapman..... | 139 | 814 | 1362 |
| 400 | An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of State school lands. Chapman..... | 139 | | |
| 401 | An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act. Chapman..... | 139 | | |
| 402 | An Act to establish the fees of County Clerks and of jurors in this State. Doty..... | 139 | | |
| 403 | An Act to amend Section 3608 of the Political Code of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue. Smith..... | 139 | | |
| 404 | An Act to add a new section to the Political Code, to be known as Section 3609 thereof, relating to the general revenue of this State, and to property liable to taxation for the purpose of revenue. Smith..... | 139 | | |
| 405 | An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners. Smith..... | 139 | | |
| 406 | An Act to amend Section 3629 of the Political Code, relating to the general revenue of the State and to property liable to taxation for the purpose of revenue. Smith..... | 139 | | |
| 407 | An Act to amend Sections 1517, 1520, and 1521, of the Political Code, relating to the public schools. Smith..... | 139 | | |
| 408 | An Act to appoint a committee to locate a penitentiary at some point in San Diego, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Tulare, Fresno, Kings, Kern, San Benito, or Inyo County. Androus..... | 139 | | |
| 409 | An Act to amend Section 718 of the Civil Code of the State of California, relative to leases of city lots. Dickinson..... | 140 | | |
| 410 | An Act relating to estray domestic animals, to the taking up of such animals, and providing for the care of such, and for the payment of compensation for the taker-up, and the cost of proceedings, and the sale of such estray animals. Pedlar..... | 140 | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
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| 411 | An Act to prohibit attorneys at law from becoming sureties on bail bonds in any of the courts of this State, for the release or discharge of any person arrested or charged with the commission of any crime or misdemeanor, and prescribing the penalty therefor. Bert | 140 | | |
| 412 | An Act to amend Sections 739, 769, and 2314 of the Political Code, relating to officers of the Supreme Court and their salaries. Boyce | 140 | | |
| 413 | An Act to amend Section 602 of the Civil Code, relating to corporations sole. Wolfe | 150 | 739 | 869 |
| 414 | An Act entitled An Act to amend Section 1142 of the Political Code of the State of California, relating to elections. Mahoney | 150 | | |
| 415 | An Act entitled An Act to amend Section 1192 of the Political Code of the State of California, relating to elections. Mahoney | 150 | | |
| 416 | An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending sections numbers 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing sections numbers 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage. Gleaves | 150 | | |
| 417 | An Act to define the duties of and to license land surveyors, amendatory of "An Act to define the duties of and to license land surveyors," approved March 31, 1891. Gleaves | 150 | 777 | |
| 418 | An Act to appropriate money for the support of aged persons in indigent circumstances. Aram | 150 | | |
| 419 | An Act to provide for the purchase and erection of a complete system of apparatus for the proper and perfect ventilation, automatic temperature regulation and sanitation of the State Capitol building, and making an appropriation therefor. Henderson | 150 | 838 | 1255 |
| 420 | An Act relating to hospitals for dipsomaniacs and morphine, opium, and alcohol inebriates, in municipalities of the first class. Hall | 151 | | |
| 421 | An Act prohibiting book-making, pool-selling, and the recording or registering of bets and wagers. Feeney | 151 | | |
| 422 | An Act to amend Sections 1895, 1897, 1898, 1900, 1912, 1913, 1918, 1919, 1924, 1936, 1945, 1962, 1965, 1966, 1970, 1974, 1976, 1981, 1982, 1984, 1986, 1990, 2006, 2007, 2018, 2022, 2076, 2084, 2084, 2089, and 2105 of the Political Code, and to repeal Section 2101 thereof, and to add two new sections thereto, to be known as Sections 2008 and 2009, all relating to the National Guard of California. Pedlar | 151 | 740 | 1214 |
| 423 | An Act providing for the payment of the claim of William Saunders, for services rendered to the State, and to repeal an Act entitled "An Act for the relief of William Saunders," approved April 1, 1876. Denison | 151 | 1078 | |
| 424 | An Act to amend Section 437 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the answer of defendants in civil actions. Withington | 151 | 679 | |
| 425 | An Act to amend Section 671 of the Code of Civil Procedure of the State of California, relating to judgment liens. Morehouse | 151 | 1026 | |
| 426 | An Act to amend Section 580 of the Code of Civil Procedure of the State of California, relating to judgments. Morehouse | 151 | | |
| 427 | An Act to amend Section 681 of the Code of Civil Procedure of the State of California, relating to executions. Morehouse | 152 | 981 | |
| 428 | An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1810, relating to the filing of accounts of guardians after their death. Morehouse | 152 | 939 | |
| 429 | An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 1681, relating to the filing of accounts of executors and administrators after their death. Morehouse | 152 | 990 | |
| 430 | An Act for the Relief of W. C. Guirey. Dickinson | 152 | 1077 | 1293 |
| 431 | An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor, during the year 1894. Doty | 152 | | |

| Number | TITLE | Intro-
duced | Passed
Senate | Passed
As mblly |
|--------|---|-----------------|------------------|--------------------|
| 432 | An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1329 thereof, relating to the payment of expenses of witnesses in criminal cases. Doty..... | 152 | | |
| 433 | An Act to amend Section 3546 and Section 3547 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of state lands. Seawell..... | 152 | | |
| 434 | An Act to pay the claim of A. J. Bourne against the State of California, and making an appropriation therefor. Seawell..... | 152 | | |
| 435 | An Act to amend Section 3766 of the Political Code of the State of California, relating to the publication of the delinquent tax list. Seawell..... | 152 | | |
| 436 | An Act to amend Sections 2436, 2440, 2443 of Article V of the Political Code, relating to pilots and pilot commissioners and 2457, 2460, 2462, 2465, 2466, 2467 of Article VI of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia. Mahoney..... | 152 | | |
| 437 | An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto, approved March 19, 1889, March 5, 1895, and March 26, 1895. Androus..... | 153 | 871 | |
| 438 | An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert. Franck..... | 153 | | |
| 439 | An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor. Simpson..... | 153 | 1164 | |
| 440 | An Act to regulate the profession, and provide for the registration, of public accountants. Bert..... | 153 | | |
| 441 | An Act authorizing the Common Council, Board of Trustees, or other governing body, of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same. Bulla..... | 162 | 472 | |
| 442 | An Act to add a new section to the Code of Civil Procedure, to be known as Section 1792½ thereof, relating to the sale of the interest of a ward in homestead property. La Rue..... | 162 | 654 | |
| 443 | An Act to amend Section 758 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Denison..... | 162 | 487 | 1231 |
| 444 | An Act to amend an Act entitled "An Act providing for the erection and operating of rock-crushing plants at the State prisons, for the preparation of highway material, for the benefit of the people of the State," and for other purposes, approved March 28, 1895. Denison..... | 162 | | |
| 445 | An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto two sections, to be numbered 288 and 289, to punish the crimes of open and notorious cohabitation and adultery. Withington..... | 162 | 881 | |
| 446 | An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by repealing Section 60 of said Code. Withington..... | 162 | | |
| 447 | An Act to provide for the payment of swamp and overflowed land funds into the treasury of the counties in which said swamp and overflowed lands are situated. Linder..... | 162 | | |
| 448 | An Act to promote competency and skill among practicing barbers, and to regulate the practice of such in the State of California. Dickinson..... | 162 | | |
| 449 | An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal corporations of the sixth class, approved March 27, 1885. Dickinson..... | 163 | | |
| 450 | An Act to amend Sections 2, 3, 9, and 20, of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, and supplementary thereto. Dickinson..... | 163 | | |

| Number | TITLE | Intro-
duced | Passed
Senate | Passed
Assembly |
|--------|---|-----------------|------------------|--------------------|
| 451 | An Act to require ordinances and resolutions, passed by the City Council or other legislative body of any municipality, to be presented to the Mayor or other chief executive officer of such municipality for his approval. Braunhart..... | 163 | 741 | 1359 |
| 452 | An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain. Simpson..... | 163 | | |
| 453 | An Act relative to the granting by municipalities of franchises for the construction of paths and roads for the use of bicycles, and other horseless vehicles. Simpson..... | 163 | 1145 | 1387 |
| 454 | An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupations. Shippee..... | 163 | | |
| 455 | An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878. Boyce..... | 163 | | |
| 456 | An Act to amend Sections 4, 5, 6, 7, 8, 9, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add two new sections to said Act, to be known as Sections 20 and 21. Boyce..... | 163 | | |
| 457 | An Act to amend the Political Code, by the addition thereto of a new section, to be known as Section 1554, relating to the public schools. Smith..... | 163 | | |
| 458 | An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the city and county of San Francisco, approved March 15, 1878,' and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880, approved March 19, 1889, conferring further powers upon the said board. Braunhart..... | 163 | | |
| 459 | An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, and to add four new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State. La Rue..... | 164 | | |
| 460 | An Act to amend Sections 3465 and 3466 of the Political Code of the State of California, relating to the collection of assessments in reclamation districts of the State. Aram..... | 164 | 926 | 1313 |
| 461 | An Act amending an Act amending an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895. Wolfe..... | 164 | | |
| 462 | An Act to amend Sections 3476 and 3477 of the Political Code, relating to reclamation of swamp and overflowed lands. Beard..... | 164 | 983 | |
| 463 | An Act to amend Section 1114 of the Political Code of the State of California, relating to registration. Stratton..... | 164 | 441 | |
| 464 | An Act to amend Sections 1897, 1898, and 1900 of the Political Code of the State of California, relating to the enrollment of persons subject to military duty. Stratton..... | 164 | | |
| 465 | An Act to amend an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895. Morehouse..... | 164 | | |
| 466 | An Act to establish a uniform system to enable any city, city and county, city or town, or municipality, to furnish the inhabitants thereof with water for domestic, irrigation, or manufacturing purposes or use, within or without their corporate limits. Dickinson..... | 164 | | |
| 467 | An Act to Amend Section 1882 of the Political Code of the State of California, relating to the time bonds may be issued for. Flint..... | 172 | 778 | 1368 |
| 468 | An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens. Boyce..... | 172 | 1148 | |
| 469 | An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1531, 1583, 1599, 1600, 1615, 1617, | | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Asmblly |
|--------|--|-----------------|------------------|-------------------|
| | 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools. Boyce | 173 | 959 | |
| 470 | An Act to amend Sections 1663, 1771, 1772, 1775, and 1858 of the Political Code of California, and to add a new section thereto, to be known as Section 1523, relating to the public schools. Boyce | 173 | | |
| 471 | An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education. Boyce | 173 | 1103 | |
| 472 | An Act to amend Sections 1790 and 1791 of the Political Code, relating to City Boards of Examination. Boyce | 173 | | |
| 473 | An Act to amend an Act entitled "An Act to enforce the educational rights of children," approved March 28, 1874, relating to the duties of certain officers in connection therewith, by repealing Section 2 of said Act. Boyce | 173 | 908 | |
| 474 | An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893. Boyce | 173 | | |
| 475 | An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for refunding or compromising irrigation district bonds. Linder | 173 | | |
| 476 | An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-eighth fiscal year. Dickinson | 173 | | |
| 477 | An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-seventh fiscal year. Dickinson | 173 | | |
| 478 | An Act making an appropriation to pay the deficiency in the appropriation for office rent of Attorney-General in San Francisco, for the forty-eighth fiscal year. Dickinson | 173 | | |
| 479 | An Act to provide for the purchase or construction of a residence for the Governor of California, and to appropriate money therefor. Doty | 173 | | |
| 480 | An Act to amend Section 465 of the Civil Code, relating to the powers of railroads. Langford | 174 | 741 | 1040 |
| 481 | An Act to amend section 1241 of the Civil Code, relative to sales of homesteads under execution, or by order of decree of court. Stratton | 174 | | |
| 482 | An Act to amend section 276 of the Code of Civil Procedure, relating to the examination of applicants for admission to practice law. Denison | 174 | | |
| 483 | An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883. Bulla | 174 | 778 | 1286 |
| 484 | An Act to amend Section 1239 of the Political Code, relating to rules for determining question of residence. Dickinson | 174 | 695 | 1226 |
| 485 | An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers in municipalities," approved March 18, 1885, and an Act amendatory thereof, approved March 31, 1891. Mahoney | 174 | | |
| 486 | An Act to authorize an acquisition by donation, or purchase, of two cities for camps of instruction and target practice for the National Guard of California, and to improve the same. Dickinson | 174 | | |
| 487 | An Act for the relief of J.W. Newbert, and to appropriate money therefor. Dickinson | 174 | 1164 | |
| 488 | An Act to provide for the payment of claims against the State of California arising under an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and making an appropriation therefor. Voorheis | 174 | | |

| Number | TITLE. | Intro
duced | Passed
Senate | Passed
Assembly |
|--------|--|----------------|------------------|--------------------|
| 489 | An Act to amend Section 3051 of the Civil Code, relative to sale of stock left in pasture or stables. Pedlar | 174 | 671 | |
| 490 | An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891. Pedlar | 174 | 849 | |
| 491 | An Act to amend Sections 3547, 3549, 3553, 3554, and 3555 of the Political Code, and to add a new section thereto, to be known as Section 3557 of the Political Code, relating to State lands and the foreclosure of delinquent purchasers thereof. Doty .. | 175 | 589 | |
| 492 | An Act to amend Sections 1054, 1055, 1083, 1144, 1145, 1174, 1192, 1193, 1194, 1195, 1197, 1200, 1239, 1253, 1254, 1255, 1257, 1258, 1259, 1260, 1261, 1281, 1282, 1283, 1284, 1285, 1287, 1288, 1289, 1290, 1291, 1314, and 1347, and to repeal Sections 1308, 1309, 1313, 1344, 1345, and 1346 of the Political Code, relating to elections. Doty | 175 | | |
| 493 | An Act to pay the claim of E. N. Strout for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, and appropriating money to pay the same. Flint | 175 | 1038 | 1321 |
| 494 | An Act to amend Sections 354, 1487, 1488, 1489, 1490, 1491, 1492, 1497, 1501, 1503, 1505, and 1507, and to repeal Sections 1504 and 1506 of the Political Code, relating to State Normal Schools. Bulla | 175 | 722 | 1042 |
| 495 | An Act to amend Section 622 of the Political Code of the State of California, relating to the retaliatory clause concerning insurance companies. Bert | 193 | 925 | 1257 |
| 496 | An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof. Bert | 193 | 951 | 1068 |
| 497 | An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, in relation to the public pound, and the appointment of a poundmaster, and deputy poundmasters. Bert | 193 | | |
| 498 | An Act to provide for investigation of fires by the insurance department, and to make provisions for the expenses of the same. Bert | 193 | | |
| 499 | An Act to prescribe the duty of the Attorney-General and Insurance Commissioner in regard to the admission of insurance corporations, associations, or individuals, to do business in this State. Bert | 193 | | |
| 500 | An Act to amend an Act entitled "An Act in relation to labor and material on public buildings in the State of California," approved April 4, 1870. Bert | 193 | | |
| 501 | An Act to amend Section 427 of the Civil Code, in relation to insurance. Morehouse | 193 | | |
| 502 | An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to the appointment of special administrators. Morehouse | 193 | 964 | |
| 503 | An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act," approved March 25, 1893. Androus | 194 | 712 | 1397 |
| 504 | An Act to establish a State lunacy commission, to provide a uniform government and management of the State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties. Androus | 194 | | |
| 505 | An Act to provide for the making of a certain map of the several counties of the State of California. Dickinson | 194 | | |
| 506 | An Act to add a new section to the Civil Code, to be known as Section 2949 thereof, relating to the sale and redemption of property sold under a power of sale in mortgages or trust deeds. Dickinson | 194 | | |

| Number | TITLE. | Intro-
duced. | Passed
Senate. | Passed
Assembly |
|--------|---|------------------|-------------------|--------------------|
| 507 | An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof. Hall | 194 | 798 | 1290 |
| 508 | An Act to amend an Act entitled "An Act appropriating \$40,000 for the purpose of the establishment and management of the Industrial Home for Mechanical Trades for the Adult Blind of the State of California," approved March 5, 1885, and to prescribe the duties of the officers thereof, and of the State officers in reference thereto. Hall | 194 | | |
| 509 | An Act to amend Section 574 of the Civil Code, relating to the ownership and disposition of property of savings and loan corporations. Pedlar | 194 | | |
| 510 | An Act empowering the Board of Supervisors in each county of this State to correct any error made on the assessment of any property. Jones | 194 | | |
| 511 | An Act to amend Section 4161 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to County Treasurer loaning public money or making general deposits. Jones | 194 | | |
| 512 | An Act to add a new article to Chapter I, of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV, and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to county, city, and city and county boards of election commissioners. Stratton | 195 | 749 | |
| 513 | An Act to provide for the construction of a State highway, or wagon road, from Sacramento City to the Folsom State Prison, in Sacramento County, and appropriating money therefor. Doty | 195 | 986 | 1328 |
| 514 | An Act to amend Section 485 of the Civil Code of the State of California, relating to fencing the right of way of railroad corporations, and the liability for failing so to do. Chapman | 195 | | |
| 515 | An Act prescribing the manner of locating and relocating mining claims and mill sites upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders. Voorheis | 195 | 662 | |
| 516 | An Act to amend Section 1885 of the Political Code of the State of California, relating to form of bonds, when payable. Flint | 195 | 709 | 1368 |
| 517 | An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending Section 1 of said Act. Stratton | 195 | | |
| 518 | An Act to amend Sections 1083, 1204, 1230, 1231, and 1236 of the Political Code, relative to qualification, registration, and challenging of electors. Boyce | 195 | | |
| 519 | An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 853 thereof, relating to absence of certain officers from the State. Boyce | 195 | 693 | 922 |
| 520 | An Act to provide for the completion of the revision and compilation of certain books of the State series of school textbooks, and for the continued publication of the same, and to authorize and direct the use for these purposes of the money accumulated in the State School Book Fund. Boyce | 195 | | |
| 521 | An Act to provide for additional improvements at the State Insane Asylum located at Agnews, in the County of Santa Clara, State of California, and to make an appropriation therefor. Morehouse | 195 | 805 | 1363 |
| 522 | An Act to amend an Act entitled "An Act to create an exempt firemen's relief fund, in the several counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen," approved March 26, 1895. Doty | 195 | | |
| 523 | An Act to appropriate money for the support of orphans, half orphans, abandoned children, foundlings, and other abandoned infants. Aram | 196 | 696 | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Assembly |
|--------|---|-----------------|------------------|--------------------|
| 524 | An Act to provide for the marking by monuments of a portion of the eastern boundary line of the State of California, and to appropriate money therefor. Gleaves..... | 212 | 677 | 1318 |
| 525 | An Act to amend the Penal Code, by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies. Simpson..... | 212 | 970 | |
| 526 | An Act relating to the taking of depositions, and amending Section 2032 of the Code of Civil Procedure of the State of California. Dwyer..... | 212 | | |
| 527 | An Act relating to the falsifying of evidence, and amending Section 132 of the Penal Code of the State of California. Dwyer..... | 212 | | |
| 528 | An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors. Henderson..... | 212 | | |
| 529 | An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, California, for moneys expended in behalf of the State of California, for foreclosing State school lands in Colusa County, State of California. Seawell..... | 212 | | |
| 530 | An Act to amend Section 3493 of the Political Code of the State of California relating to the dissolution of swamp land or reclamation districts. Langford..... | 212 | 980 | 1370 |
| 531 | An Act to amend Section 3472 of the Political Code of the State of California, relating to the formation of swamp land or reclamation districts. Langford..... | 212 | 1100 | 1370 |
| 532 | An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885; amended March 14, 1889; also, March 17, 1891; also, March 31, 1891; also, March 9, 1893, and also March 11, 1893. Luchsinger..... | 212 | | |
| 533 | An Act authorizing municipal authorities to designate and set apart streets, and portions of streets, as boulevards, and restricting the power to grant franchises upon streets so designated and set apart. Dickinson..... | 213 | 710 | |
| 534 | An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in, any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon. Wolfe..... | 226 | 695 | 1398 |
| 535 | An Act to add a new section to the Penal Code, to be designated as Section 354¾, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to, or produced upon any cask, keg, bottle, vessel, siphon, can, or other package. Wolfe..... | 226 | 677 | |
| 536 | An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants. Wolfe..... | 227 | 882 | 1327 |
| 537 | An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant. Wolfe..... | 227 | 708 | |
| 538 | An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes. Committee on Judiciary..... | 231 | 441 | 761 |
| 539 | An Act relinquishing to the United States of America the title of this State to certain lands. Committee on Judiciary..... | 231 | 441 | 863 |
| 540 | An Act to amend Section 690 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Jones..... | 231 | | |
| 541 | An Act to amend an Act entitled "An Act concerning the water-front of the City and County of San Francisco," approved March 15, 1878. Braunhart..... | 232 | 676 | |
| 542 | An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine. Linder..... | 232 | 924 | 1238 |

| Number | TITLE | Intro-duced | Passed Senate | Passed Assembly |
|--------|---|-------------|---------------|-----------------|
| 543 | An Act to amend Sections 334 and 408 of the Political Code, and to repeal Section 410 thereof, relating to the duties of the Secretary of State, and to the distributing of reports and documents. Beard | 232 | | |
| 544 | An Act to amend an Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State, approved March 28, 1895. Dickinson | 232 | | |
| 545 | An Act to provide a safe place of exhibit and study of the State mineral cabinet, museum and specimens, and other articles and property of the State, to erect a building therefor, and make an appropriation therefor. Gleaves | 232 | | |
| 546 | An Act to repeal Section 3640 of the Political Code of California, relating to the duties of Assessor. Doty | 232 | | |
| 547 | An Act to amend Section 3 of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration," approved April 1, 1876. Wolfe | 239 | | |
| 548 | An Act to amend an Act entitled "An Act fixing the price and conditions of sale, at which jute goods shall be sold by the State," approved February 27, 1893. Mahoney | 239 | | |
| 549 | An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor. Mahoney | 240 | 813 | 1360 |
| 550 | An Act to amend Section 171 of the Penal Code, relating to unauthorized communication with convicts in the State Prison. Mahoney | 240 | 643 | |
| 551 | An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State. Simpson | 240 | | |
| 552 | An Act to provide for the organization and management of county fire insurance companies. Doty | 247 | | |
| 553 | An Act to amend Sections 350, 351, and 354 of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringement of the rights of trademarks. Stratton | 247 | | |
| 554 | An Act to prohibit the employment of convicts confined in the state prisons of this State, in the manufacture of textile fabrics other than jute grain bags, and to regulate the price and conditions of sale at which jute grain bags shall be sold by the State. Stratton | 247 | | |
| 555 | An Act to amend Section 1533 of the Political Code of the State of California, relative to public schools. Chapman | 247 | | |
| 556 | An Act to provide for the survey and construction of a wagon road from Tallac to McKinneys, along the shore of Lake Tahoe. Chapman | 247 | | |
| 557 | An Act to prohibit the exercise by any person, other than a duly licensed physician or surgeon, of mesmeric or hypnotic influence upon any person or persons, and fixing a penalty for any violation of the provisions of this Act. Shippee | 247 | | |
| 558 | An Act entitled "An Act to provide for a State Food Commissioner, assistants, salary, expenses, and duties." Linder | 247 | | |
| 559 | An Act to amend Section 772 of an Act entitled "An Act to establish a Penal Code," approved March 11, 1872. Brauhart | 248 | | |
| 560 | An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act concerning crimes and punishments,'" passed April 16, 1850, approved March 20, 1872. Langford | 248 | | |
| 561 | An Act to amend Section 605 of the Penal Code of the State of California, relating to the removing, defacing, or altering landmarks. Langford | 248 | 884 | |
| 562 | An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an | | | |

| Number | TITLE. | Intro-
duced. | Passed
Senate. | Passed
Assembly |
|--------|---|------------------|-------------------|--------------------|
| | Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners. Bert. | 248 | | |
| 563 | An Act making an appropriation to pay the deficiency in the appropriation for support of Preston School of Industry, at Lone, California, for the forty-eighth fiscal year. Voorheis. | 270 | 1035 | 1362 |
| 564 | An Act to appropriate money for the erection of a hospital building at the Preston School of Industry, at Lone, California. Voorheis. | 270 | 799 | 1231 |
| 565 | An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours, in mills, factories, shipyards, foundries, and other places where fixed machinery is used. Mahoney. | 270 | | |
| 566 | An Act to provide a relief fund for injured and disabled firemen of the volunteer fire departments within incorporated cities and towns. Mahoney. | 270 | | |
| 567 | An Act to amend an Act known as the Code of Civil Procedure of California, approved March 11, 1872, by amending Sections 1474, 1475, 1476, and 1486, and adding a new section, to be known as Section 1479, relating to the administration of the homestead. Bert. | 271 | | |
| 568 | An Act to amend an Act known as the Code of Civil Procedure of California, approved March 11, 1872, by amending Sections 1464, 1465, 1466, 1467, 1468, and 1469, and repealing Section 1470 thereof, relating to the provision for the support of the families of deceased persons. Bert. | 271 | | |
| 569 | An Act relating to actions for the recovery or possession of real property, and the determination of adverse claims thereto. Bert. | 271 | | |
| 570 | An Act to amend Section 737 of the Political Code of the State of California, relating to the annual salaries of the Judges of the Superior Court. Bert. | 271 | | |
| 571 | An Act concerning actions of ejectment and actions to quiet title to real property. Bert. | 271 | | |
| 572 | An Act to amend Section 337 of the Civil Code of the State of California, relating to the publication of notice of the delinquent assessment upon stock of corporations. Stratton. | 271 | | |
| 573 | An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations. Stratton. | 271 | | |
| 574 | An Act amending Section 534 of the Political Code. Androus. | 271 | 911 | 1226 |
| 575 | An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums, paid in the construction and erection of the Whittier State School. Androus. | 271 | | |
| 576 | An Act to prevent imposition and fraud by persons representing themselves to be members of lawful organizations, and to prevent the wearing of the badge or insignia of such lawful organizations, by persons not entitled to wear the same. Pedlar. | 271 | | |
| 577 | An Act to amend an Act entitled "An Act granting certain lands to the United States," approved May 14, 1862. Simpson. | 271 | | |
| 578 | An Act amending Section 671 and Section 674 of the Code of Civil Procedure of the State of California, approved March 12, 1872, relative to docketing judgments, and making the same a lien upon real property. Simpson. | 272 | | |
| 579 | An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged, by the Wardens of State Prisons. Flint. | 272 | | |
| 580 | An Act to enable all counties, incorporated towns, or cities, or consolidated cities and counties of this State to use patented automatic voting or ballot machines at all elections therein. Henderson. | 272 | | |
| 581 | An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco. Henderson. | 272 | | |
| 582 | An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations, for the purpose of making, improving, and repairing roads. Gillette. | 272 | | |

| Number | TITLE. | Intro-
duced. | Passed
Senate. | Passed
Asmblly |
|--------|---|------------------|-------------------|-------------------|
| 583 | An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, and to appoint a secretary therefor, to relieve said court from the overburdened condition of its calendar, and to provide for the compensation of said commissioners and secretary, and to appropriate money therefor. Morehouse | 272 | 455 | 587 |
| 584 | An Act to create and administer a public school teachers' annuity retirement fund in cities of this State, of the first, second, and third classes, having boards of education. Morehouse | 272 | | |
| 585 | An Act to provide for the filling up or draining of lots upon which there is stagnant water or offensive substances, and providing for collection of costs of the same. Bulla | 272 | | |
| 586 | An Act to amend Sections 364 and 680 of the Political Code, and to add a new section thereto, to be known as Section 686, of the Political Code, all relating to the State Board of Examiners. Committee on Claims, Retrenchment, and Public Expenditures | 272 | 876 | |
| 587 | An Act to amend Section 595 of the Civil Code of the State of California, relating to religious, social, and benevolent associations. Dickinson | 272 | | |
| 588 | An Act to amend the Penal Code of the State of California, relating to fish and game, and to add a new section thereto, to be numbered 626½. Dickinson | 272 | | |
| 589 | An Act to amend Section 1830 of the Political Code, relating to schools. Shippee | 273 | | |
| 590 | An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of, and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State. Stratton | 280 | | |
| 591 | An Act to provide for the funding and refunding of the indebtedness of levee and protection districts. Aram | 280 | 928 | 1342 |
| 592 | An Act for the incorporation of societies for the enforcement of the law and the prosecution of public offenders. Dwyer | 280 | | |
| 593 | An Act to provide for vacating and closing up any park, plaza, public square, or other public reservation not belonging to the State, and not situated within any municipality. Jones | 280 | | |
| 594 | An Act making an appropriation for the furnishing of a community dining-room and dormitory building for the Southern California State Asylum for the Insane and Inebriates. Jones | 280 | | |
| 595 | An Act to amend Section 1577 of the Political Code of the State of California, relating to the time of forming new school districts, and changing the boundaries of school districts. Jones | 280 | | |
| 596 | An Act to classify the roads in the State of California, and to define each class. Gleaves | 288 | | |
| 597 | An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the employment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year. Gleaves | 288 | | |
| 598 | An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor. Gleaves | 288 | | |
| 599 | An Act to amend Section 2653 of the Political Code of the State of California, relative to property highway tax. Gleaves | 288 | | |
| 600 | An Act regulating the width of tires upon wagons and other vehicles to be used upon the highways of the State of California, and providing penalties for violations of the provisions of this Act. Gleaves | 288 | | |
| 601 | An Act to amend Section 1238 of the Penal Code, relating to appeals by the people. Gleaves | 288 | 925 | 1398 |
| 602 | An Act for the payment of the claim of Julius Herzog, and to appropriate money therefor. Wolfe | 288 | 1165 | |
| 603 | An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and | | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Assembly |
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| | commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed." Androus..... | 288 | | |
| 604 | An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878. Bulla..... | 289 | 708 | 128 |
| 605 | An Act to amend Section 1704 of the Code of Civil Procedure. Bert..... | 289 | | |
| 606 | An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to salaries of county officers in counties of the first class. Brauhnart..... | 289 | | |
| 607 | An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relative to the taking of depositions in this State. Henderson..... | 289 | | |
| 608 | An Act relating to the falsifying of evidence, and amending Section 132 of the Penal Code of the State of California. Henderson..... | 289 | | |
| 609 | An Act making an appropriation to pay the claim of J. W. Sibole. Voorheis..... | 289 | 1066 | |
| 610 | An Act to amend Section 841 of the Civil Code of the State of California, and to add to said Code two new sections, to be numbered as and known as Section 841 and Section 842, all relating to the rights and duties of coterminous owners to maintain boundaries, monuments, and fences between them, and to the enforcement of said rights and duties. Seawell..... | 289 | | |
| 611 | An Act to amend Section 269 of the Code of Civil Procedure, relating to phonographic reporters for Superior Courts, their appointments and duties. Doty..... | 289 | | |
| 612 | An Act to amend Section 7 of "An Act authorizing corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891. Bulla..... | 311 | 884 | |
| 613 | An Act to regulate the practice of architecture. Langford..... | 311 | | |
| 614 | An Act making an appropriation for the erection of a ward building for the Southern California State Asylum for the Insane and Inebriates. Jones..... | 311 | 801 | 1152 |
| 615 | An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof. Stratton..... | 312 | | |
| 616 | An Act to amend Section 726, and to repeal Section 729 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages. Dickinson..... | 312 | | |
| 617 | An Act to amend Section 717 of the Civil Code of the State of California, relative to leases of lots. Dickinson..... | 312 | | |
| 618 | An Act to provide, establish, maintain, and locate, in the County of Santa Clara, State of California, on that certain tract of land belonging to the State of California, and heretofore used by the "California Home for the Care and Training of Feeble-Minded Children," near the Town of Santa Clara, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as "The Santa Clara State School," and to make an appropriation therefor. Franck..... | 312 | | |
| 619 | An Act providing for the maintenance and support of illegitimate children. Simpson..... | 319 | | |
| 620 | An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley. Voorheis..... | 319 | 814 | 1185 |
| 621 | An Act to amend Section 3865 of the Political Code, to provide for settlements with the State, and to make compensation to counties for the exemption of property from taxation. Stratton..... | 319 | | |
| 622 | An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874. Feeney..... | 320 | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Asmbl'y |
|--------|--|-----------------|------------------|-------------------|
| 623 | An Act to amend an Act entitled "An act to establish a Political Code," approved March 12, 1872, by amending Sections 3009 and 3010 of the Political Code, and by repealing Sections 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020 of said Political Code, relating to the State quarantine service at San Francisco. Pedlar | 320 | | |
| 624 | An Act to amend Section 3571 of the Political Code, relating to the repayment of purchase price of land sold, which is not the property of the State, and providing for a certificate of restitution to issue when the certificate of purchase to such land has been annulled for non-payment of interest. Dickinson | 320 | | |
| 625 | An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 218 thereof, relating to train-wrecking, and the punishment thereof. Dickinson | 320 | | |
| 626 | An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act. Luchsinger | 320 | | |
| 627 | An Act to regulate the appointment of, and service as, members of certain commissions. Gleaves | 320 | | |
| 628 | An Act to promote the public health, and to prohibit acts prejudicial thereto, and to provide for the punishment thereof. La Rue | 320 | | |
| 629 | An Act to promote the public health, and to prohibit acts prejudicial thereto, and to provide for the punishment thereof. La Rue | 320 | | |
| 630 | An Act to create the office of Law Commissioner, to prescribe his powers and duties, to fix his compensation, to provide for the appointment of a secretary and clerk, and making an appropriation for the payment of the salaries of such commissioner, secretary, and clerk, and to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the 'Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895. Androus | 320 | | |
| 631 | An Act to add three new sections to "An Act to establish a Penal Code," approved February 14, 1872, to be numbered 627e, 627f, and 627g, relating to wild birds. Chapman | 330 | | |
| 632 | An Act to provide for the examination of scaffolding, ropes, blocks, pulleys, and tackle used in the construction, repairing, or painting of buildings, and providing for the inspection thereof. Dwyer | 330 | | |
| 633 | An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893. Prisk | 330 | | |
| 634 | An Act to amend Section 1159 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments, and validating records heretofore made. Prisk | 331 | | |
| 635 | An Act to amend Section 53 of the Code of Civil Procedure of the State of California. Dickinson | 331 | | |
| 636 | An Act to amend Sections 3840, 3845, 3846, 3851, 3853, 3854, 3857, 3858, and 3862 of the Political Code of the State of California, relating to poll tax and the collection thereof. Toner | 331 | | |
| 637 | An Act to provide for the formation, organization, and classification of new counties, for location of the county seats thereof, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties. Toner | 331 | | |

| Number | TITLE. | Intro-duced | Passed Senate | Passed Assembly |
|--------|--|-------------|---------------|-----------------|
| 638 | An Act to amend Section 10 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, and as amended by an Act approved January 25, 1895, which said Section 10 relates to and defines the basis of computation for classifying the several counties of the State, according to population, and classifying the said counties, and to amend Section 162 thereof, relating to the classification of counties, and to insert a new section therein, to be numbered 173½, creating a class of counties of the eleventh-and-one-half class, relating to the government of counties. Jones..... | 331 | | |
| 639 | An Act to amend Section 540 of the Code of Civil Procedure, relating to the issuance and form of writs of attachment in civil actions. Simpson..... | 331 | | |
| 640 | An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor. Smith..... | 331 | 819 | 1364 |
| 641 | An Act to amend Section 1770 of the Political Code, relating to county boards of education and their compensation. Trout..... | 331 | | |
| 642 | An Act to pay the claim of the County of Santa Clara, and making an appropriation therefor. Morehouse..... | 343 | 1075 | 1294 |
| 643 | An Act to pay the claim of the County of Napa, and making an appropriation therefor. La Rue..... | 343 | 1076 | 1294 |
| 644 | An Act to pay the claim of the County of Tehama, and making an appropriation therefor. Shippee..... | 343 | 1076 | 1316 |
| 645 | An Act to pay the claim of the County of Monterey, and making an appropriation therefor. Flint..... | 343 | 1076 | 1321 |
| 646 | An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein. Bulla..... | 352 | | |
| 647 | An Act to authorize the Governor to appoint and commission agents to collect and receive certain claims due the State of California from the United States, to provide compensation for such service, and to distribute the moneys recovered on such claims. Shippee..... | 352 | 938 | 1310 |
| 648 | An Act to amend Section 1775 of the Political Code of the State of California, relative to the powers and duties of boards of education. Linder..... | 352 | | |
| 649 | An Act to amend Section 3909 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, fixing the boundaries of Del Norte County, California. Gillette..... | 353 | | |
| 650 | An Act to amend Section 70 of "An Act to establish a uniform system of county and township governments," approved March 24, 1893. Mahoney..... | 373 | | |
| 651 | An Act to authorize municipalities to accept donations of, and to set apart portions of public streets or parks for statues, monuments, and fountains. Mahoney..... | 373 | | |
| 652 | An Act to amend Section 3 of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of re-incorporation of such corporations at special elections. Simpson..... | 373 | 890 | |
| 653 | An Act concerning corporations, and the formation thereof for certain purposes. Simpson..... | 374 | | |
| 654 | An Act to amend Section 3664 of the Political Code, as amended by an Act approved March 9, 1883, and Section 3665 of the Political Code, as amended by an Act approved March 31, 1891. Simpson..... | 374 | | |
| 655 | An Act to amend Section 176 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to support of husband by wife. Simpson..... | 374 | | |
| 656 | An Act to amend the Penal Code of California, by adding a new section thereto, to be known as Section 626½, relating to game. Flint..... | 374 | | |

| Number | TITLE. | Intro-
duced. | Passed
Senate | Passed
Assembly |
|--------|--|------------------|------------------|--------------------|
| 657 | An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," as amended and approved March 27, 1895. Flint | 374 | | |
| 658 | An Act to add a new section to the Political Code, to be known as Section 2681½, relating to roads and highways. Seawell | 380 | | |
| 659 | An Act to amend Section 3094 of the Political Code, relating to the surrender of dead bodies of persons to be buried at public expense, to physicians and surgeons, for anatomical purposes. Aram | 380 | | |
| 660 | An Act to empower the State Board of Examiners to authorize and direct the removal of property belonging to the State from one public institution to another. Gleaves | 380 | | |
| 661 | An Act to amend Sections 955 and 956 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds. Mahoney | 380 | | |
| 662 | An Act to amend Section 1056 of the Code of Civil Procedure of California, in relation to sureties upon official bonds. Mahoney | 380 | | |
| 663 | An Act to provide for the working, dressing, and carving of stone for public work. Dwyer | 399 | | |
| 664 | An Act to amend Section 855 of an Act entitled "Municipal Corporation Bill—An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Boyce | 399 | | |
| 665 | An Act to amend an Act entitled "An Act to prevent the sale of short-weight rolls of butter," approved March 11, 1893. Boyce | 399 | | |
| 666 | An Act to amend Section 1670 of the Political Code of California. Aram | 400 | | |
| 667 | An Act to govern the use of all commutation tickets sold by transportation companies for passage over their lines. Toner | 400 | | |
| 668 | An Act to amend Section 599 of the Civil Code, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporations by corporations for purposes other than profit. Pedlar | 400 | 965 | 1253 |
| 669 | An Act to amend Section 842 of the Code of Civil Procedure. Henderson | 400 | | |
| 670 | An Act appropriating \$10,000 to pay the claim of Addie McGinness. Henderson | 400 | 1067 | 1327 |
| 671 | An Act providing for the publication of the laws in the newspapers. Androus | 400 | | |
| 672 | An Act to regulate the business of firms, persons, or corporations engaged in the business of furnishing gas to consumers for lighting and heating purposes. Linder | 400 | | |
| 673 | A bill to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 79 of said Code, relating to the appointment and number of notaries public in the several counties of this State. Simpson | 434 | | |
| 674 | An Act to amend an Act entitled "An Act granting certain lands to the United States," approved May 14, 1862. Simpson | 434 | | |
| 675 | An Act to amend Section 1235 of the Penal Code of the State of California, relating to appeals in criminal cases. Simpson | 434 | | |
| 676 | An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties and provide for his compensation, and the liability of mining operators. Prisk | 453 | | |
| 677 | An Act to amend Section 1618 of the Code of Civil Procedure of California, relating to the salaries of Public Administrators. Linder | 454 | | |
| 678 | An Act to compel carriers of persons by rail, in the State of California, to operate second-class coaches for the carriage of persons at a rate of fare to be known as second-class, exempting street railroad companies from the operation thereof, and repealing all Acts in conflict therewith. Toner | 454 | | |
| 679 | An Act to regulate the collection and disposition of all garbage, offal, ashes, and other refuse matter in towns, cities, and cities and counties. Hall | 454 | | |
| 680 | An Act to authorize the Governor to employ an agent to collect certain claims due the State of California by the United States, to provide compensation for such services, and to distribute the moneys received on such claims. Chapman | 454 | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Asmbl'y |
|--------|---|-----------------|------------------|-------------------|
| 681 | An Act to provide the mode for changing grades of public streets, lanes, alleys, courts, and places within municipalities in the State of California. Dickinson | 454 | | |
| 682 | An Act to amend Section 348 of the Code of Civil Procedure, relating to the time in which actions can be brought to recover money or other property deposited with any bank, banker, trust company, or savings and loan society, or to recover any tax or impost, or to enforce any lien created to secure the payment thereof. Langford | 454 | | |
| 683 | An Act to create and regulate in any city, or city and county, in this State, public warehouses. Stratton | 454 | | |
| 684 | An Act to assist the Woman's Relief Corps, auxiliary to the Grand Army of the Republic of the Department of California and Nevada, to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor. Morehouse | 454 | 813 | 1215 |
| 685 | An Act to regulate the sale of proprietary medicines, bitters, and tonics. Morehouse | 454 | | |
| 686 | An Act making an appropriation to pay the claim of Theodore A. Bell. La Rue | 471 | 1039 | |
| 687 | An Act to add a new section to the Penal Code, to be known as Section 1424, relative to the manner of applying for pardons. Seawell | 471 | | |
| 688 | An Act to amend an Act entitled "An Act to establish a School of Industry, to provide for the management and maintenance of the same, and to make an appropriation therefor," approved March 11, 1889, relating to the commitment to, detention in, and discharge from said School of Industry of certain minors. Voorheis | 471 | | |
| 689 | An Act to promote the horticultural interests of the state, by providing county boards of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891. Pedlar | 483 | 722 | 1299 |
| 690 | An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of unnavigable streams and water-courses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors, concerning such districts and improvements. Aram | 483 | | |
| 691 | An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a state series of school text-books, and appropriating money therefor,' approved February 26, 1885," approved March 15, 1887. Henderson | 483 | | |
| 692 | An Act making an appropriation for furnishing a ward building for the Southern California State Asylum for the Insane and Inebriates. Jones | 483 | 802 | 1358 |
| 693 | An Act to amend Section 360 of the Civil Code, relating to the acquisition, holding, and disposition of corporate property. Dickinson | 497 | | |
| 694 | An Act to amend Section 1276 of the Code of Civil Procedure of the State of California. Dickinson | 497 | 1092 | |
| 695 | An Act to amend Section 224 of the Civil Code, regarding the adoption of children. Dennison | 497 | | |
| 696 | An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities. Beard | 497 | 971 | 1224 |

| Number | TITLE | Intro-
duced | Passed
Senate | Passed
Asmbl'y |
|--------|--|-----------------|------------------|-------------------|
| 697 | An Act making an appropriation to pay the claim of the South-
ern Pacific Company. Voorheis | 505 | 1077 | 1293 |
| 698 | An Act to add a new section to the Political Code of California,
to be known as Section 1476½, relating to the University
Cadets of California. Pedlar | 505 | | |
| 699 | An Act to amend an Act to provide for the compiling, illustrat-
ing, electrotyping, printing, and distributing a State series
of school text-books, and appropriating money therefor,
approved February 26, 1885, by amending Sections 7 and 10,
and by adding a new section to said Act, numbered 6½, provid-
ing for the free use of text-books in the common schools.
Androus | 505 | | |
| 700 | An Act providing an appropriation for the improvement of
and repairs to Sutter's Fort and grounds. Flint | 521 | 807 | 1317 |
| 701 | An Act to amend Section 757 of an Act entitled "An Act to pro-
vide for the organization, incorporation, and government of
municipal corporations," approved March 13, 1883. Linder | 521 | | |
| 702 | An Act empowering peace officers to receive rewards for the
arrest, conviction or apprehension of persons accused of
crime. Gleaves | 521 | | |
| 703 | An Act to amend Section 1636 of the Political Code, relating
to School Census Marshals. Gleaves | 521 | | |
| 704 | An Act requiring owners, lessees, and possessors of land to
destroy squirrels thereon, and providing for the expense
thereof in case of neglect. Smith | 521 | | |
| 705 | An Act to amend an Act entitled "An Act to establish a Civil
Code," approved March 21, 1873, by adding thereto a new sec-
tion, to be known as Section 511½, relating to street railroad
corporations. Braunhart | 537 | | |
| 706 | An Act to confer power upon the Board of Supervisors, City
Council, Board of Trustees, or other governing or legislative
body of any town, city, city and county, or county in this
State, to acquire, by condemnation or purchase, land or prop-
erty for the laying out, opening, extending, widening, or
straightening, in whole or in part, for a distance of five
hundred feet, or less, of any road, highway, boulevard, street,
square, lane, alley, court, or place, within any town, city,
city and county, or county in this State. Bert | 537 | | |
| 707 | An Act to provide for work upon streets, lanes, alleys, courts,
places, and sidewalks, and for the construction of sewers
within municipalities. Bert | 550 | | |
| 708 | An Act to provide for the organization and government of
drainage districts, for the drainage of agricultural lands
other than swamp and overflowed lands. Aram | 574 | | |
| 709 | An Act to provide for the marking by monuments of a por-
tion of the eastern boundary line of the State of California,
and to appropriate money therefor. Morehouse | 574 | | |
| 710 | An Act to amend Section 1222 of the Code of Civil Procedure of
California. Morehouse | 574 | | |
| 711 | An Act to amend Section 592 of the Code of Civil Procedure of
the State of California, relating to trial of issues of fact in
civil actions. Morehouse | 574 | | |
| 712 | An Act to repeal an Act entitled "An Act to declare Lake Earl,
in Del Norte County, navigable." Gillette | 574 | | |
| 713 | An Act making an appropriation to pay the claim of James
W. Travers, for advertising the constitutional amendments
in the Alameda Daily Evening Encinal. Stratton | 574 | | |
| 714 | An Act to amend Sections 1623, 1651, 1712, and 1713 of the Polit-
ical Code of the State of California, relating to public schools.
Linder | 574 | | |
| 715 | An Act to amend Section 953 of the Code of Civil Procedure,
relating to records on appeals, and to the certification and
transmission thereof. Voorheis | 579 | | |
| 716 | An Act to provide for the establishing and maintenance of
public lights in sanitary districts. Stratton | 579 | | |
| 717 | An Act to provide the mode for changing grades of public
streets, lanes, alleys, courts, and places within municipalities
in the State of California. Dwyer | 592 | | |
| 718 | An Act appropriating money to pay the expenses of collecting,
preparing, forwarding, installing and maintaining, taking | | | |

| Number | TITLE. | Intro-
duced. | Passed
Senate | Passed
As mblly |
|--------|---|------------------|------------------|--------------------|
| | down, and returning an exhibit of the products of the State of California at the Hamburg Horticultural Exposition, to be held at Hamburg, Germany, in 1897, and to provide for a commission, secretary of a commission, and the pay of the secretary thereof. Morehouse..... | 592 | | |
| 719 | An Act appropriating \$81 10 to pay the claim of J. S. Bransford, for services rendered the State of California, as Sheriff of Plumas county. Prisk..... | 611 | 1039 | 1369 |
| 720 | An Act to amend an Act entitled "An Act to provide against the adulteration of food and drugs," approved March 26, 1895. Chapman..... | 612 | | |
| 721 | An Act making an appropriation for the contingent expenses of the Senate, for the thirty-second session of the Legislature. Voorheis..... | 619 | 636 | 729 |
| 722 | An Act for the acceptance of balloting or voting machines, and designating a particular voting machine. Feeney..... | 619 | | |
| 723 | An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year. Gleaves..... | 641 | | |
| 724 | An Act to provide for the location, construction, and maintenance of State highways in the several counties of the State, and to define the duties of certain State officers and county and district officials in connection therewith. Gleaves..... | 641 | | |
| 725 | An Act to provide for the classification of the roads in the State of California. Gleaves..... | 641 | | |
| 726 | An Act to provide for the location, construction, and maintenance of highways owned or to be acquired by the State of California, by the levy of a rate of taxation, and the creation of a fund therefor. Gleaves..... | 641 | | |
| 727 | An Act ceding jurisdiction to the United States over certain lands in Los Angeles county, occupied by the Pacific Branch of the National Home for Disabled Volunteer Soldiers. Bulla..... | 641 | | |
| 728 | An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1426 thereof, relating to executors and administrators. Voorheis..... | 642 | | |
| 729 | An Act to amend Section 2294 of Chapter III, Title V, of the Political Code, relating to the State Library. Trout..... | 642 | 889 | |
| 730 | An Act to authorize the Board of Railroad Commissioners to reduce the fare on street railways in cities, cities and counties, and towns, and authorizing such board to require the issuance of commutation tickets for transportation on such street railways, and to fix the rates therefor. Brauhart..... | 642 | | |
| 731 | An Act making an appropriation to pay the claim of E. L. Marshall, for advertising the constitutional amendments in the Alameda Daily Morning Telegram. Beard..... | 642 | | |
| 732 | An Act to amend Sections 4, 6, 11, 12 and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers, approved March 30, 1878. Withington..... | 642 | | |
| 733 | An Act making an appropriation to pay the printing expenses of the thirty-second session of the Legislature. Voorheis..... | 1161 | | |

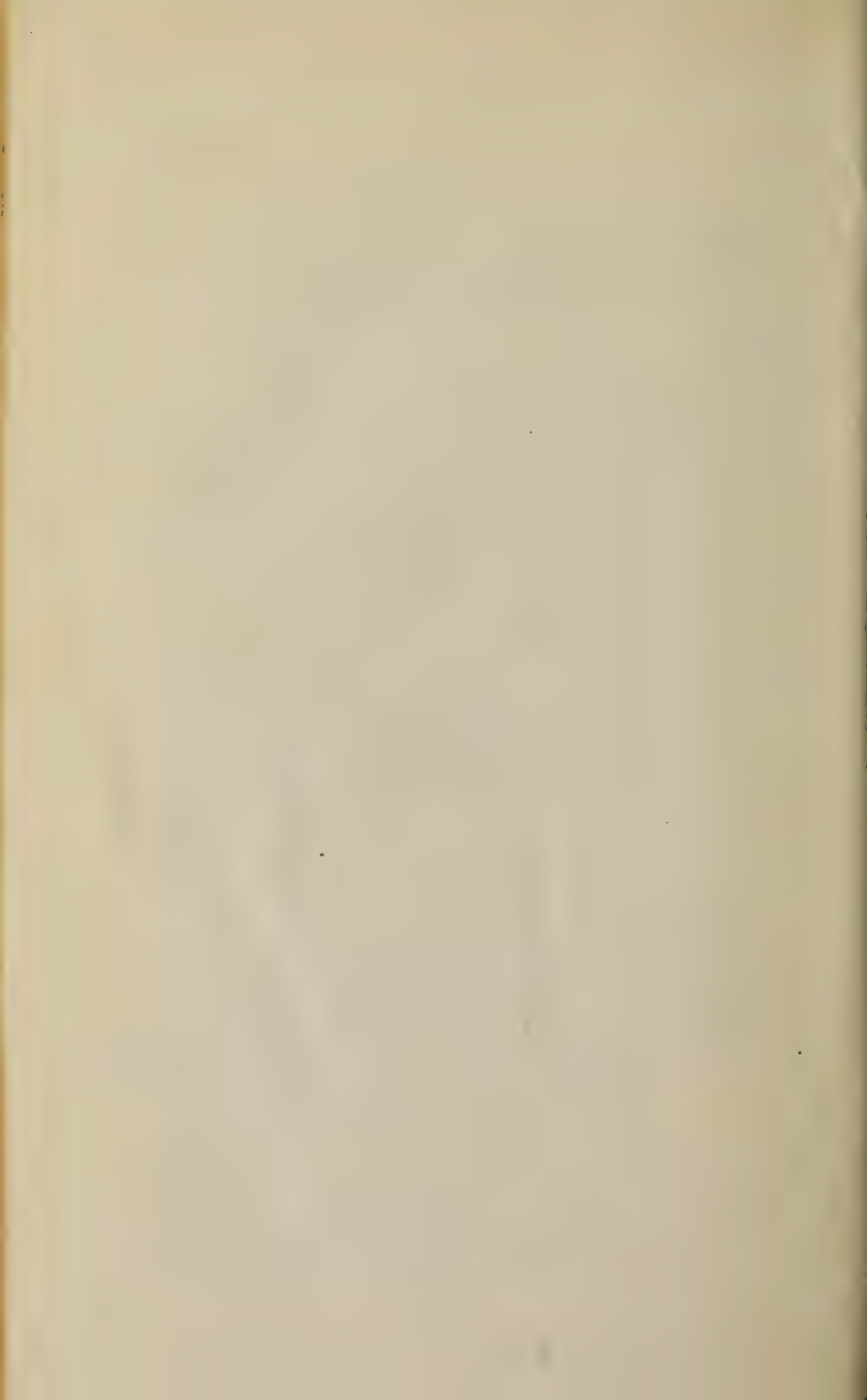
SENATE RESOLUTIONS.

| Number | TITLE. | Intro-
duced. | Passed
Senate | Passed
Assembly |
|----------------------------------|--|------------------|------------------|--------------------|
| SENATE JOINT RESOLUTIONS. | | | | |
| 1 | Relative to protective tariff on fruits of this state. Androus | 12 | 12 | 16 |
| 2 | Relative to protection on fruit industry. Langford | 28 | 30 | 211 |
| 3 | Relative to the sugar-beet industry. Jones | 32 | 32 | 63 |
| 4 | Relative to the free coinage of silver. Braunhart | 50 | | |
| 5 | Relative to dredging channel from San Pablo Bay to Mare Island.
Luchsinger | 80 | 116 | 214 |
| 6 | Relative to establishment of a leper asylum by Government of
the United States. Dickinson | 81 | 290 | |
| 7 | Relative to the Sloat Monument bill now pending before the
House of Representatives. Stratton | 103 | 103 | |
| 8 | Relative to protective tariff on asphaltum. Androus | 103 | 148 | 340 |
| 9 | Relative to construction of the Nicaragua Canal. Smith | 115 | 115 | 142 |
| 10 | Relative to foreign immigration and proper restriction thereof.
Bulla | 140 | 140 | |
| 11 | Requesting Congress to impose a tariff on foreign fresh table
grapes competing with the American product. Androus | 183 | 185 | 204 |
| 12 | Relative to the protection of free labor and industries in which
it is employed. Dwyer | 213 | | |
| 13 | Relative to salaries of letter carriers. Doty | 289 | 1070 | |
| 14 | Relative to first and second-class postmasters. Doty | 454 | 1071 | |
| 15 | Relative to sending food to the famine-stricken people of India.
Boyce | 475 | 476 | 548 |
| 16 | Relative to the citrus fruit industry. Simpson | 1006 | 1047 | 1180 |
| 17 | Relative to the tariff on imported wines. La Rue | 1047 | 1048 | |
| CONCURRENT RESOLUTIONS. | | | | |
| 1 | Relative to time for electing State Library Trustees. Voorheis | 32 | 33 | 63 |
| 2 | Relative to employment of additional assistance to properly
look after the lighting and heating of the State Capitol.
Withington | 68 | 68 | 153 |
| 3 | Relative to adjournment <i>sine die</i> . Voorheis | 155 | 155 | |
| 4 | Recommending the calling of a convention for the revision of
the Constitution of the State of California. Bulla | 454 | 1251 | 1392 |
| 5 | Relating to the National Educational Association. Bulla | 455 | 910 | |
| 6 | That Joint Rule No. 48 be temporarily suspended. Wolfe | 673 | 673 | 769 |
| 7 | Relative to a charter for the City of San José. Morehouse | 720 | 777 | 894 |
| 8 | To recall from the Governor Senate Bill No. 1 and Assembly Bill
No. 22. Androus | 740 | 741 | 827 |
| 9 | To recall from the Governor Assembly Bill No. 419 and Assembly
Bill No. 76. Wolfe | 781 | 782 | 854 |
| 10 | That Joint Rules 40, 48, and 49 be suspended for the remainder
of this session. Dickinson | 828 | 828 | 919 |
| 11 | Relative to the employment of electricians and for the remainder
of the session. Stratton | 1058 | 1058 | 1262 |
| 12 | Requesting that the Governor return purported Senate Bill No.
494. Bulla | 1087 | 1087 | |
| 13 | Relative to a donation of money to George Berger. Pedlar | 1219 | 1219 | 1374 |
| 14 | Relative to returning Senate Bill No. 136 for correction. Gleaves | 1255 | 1255 | |

SENATE CONSTITUTIONAL AMENDMENTS.

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
As'mbly |
|--------|--|-----------------|------------------|-------------------|
| 1 | Amending Section 1 of Article XIII of the Constitution, relative to exemption from taxation. Androus..... | 47 | | |
| 2 | Amending Article II of the Constitution, by adding thereto a new section, to be known as Section 20, in relation to tax levies by counties, and cities and counties. Braunhart..... | 49 | | |
| 3 | Amending Section 4, Article VI, of the Constitution, relative to appellate jurisdiction of the Supreme Court. Stratton..... | 65 | | |
| 4 | Amending Section 9 of Article XIII, of the Constitution, relative to the Board of Equalization, providing that said board shall consist of four members, to be elected at large by the electors of the State. Braunhart..... | 49 | | |
| 5 | Repealing Section 12 of Article XIII of the Constitution of the State of California, relative to revenue and taxation. Braunhart..... | 50 | | |
| 6 | Amending Article XIII of the Constitution, relating to revenue and taxation. Braunhart..... | 50 | | |
| 7 | Proposing an amendment to Section 1, Article XIV, of the Constitution of the State of California, relative to the manner of fixing rates for the use of water supplied to cities, or cities and counties, having a population of one hundred thousand inhabitants and over, or the inhabitants thereof. Braunhart..... | 50 | | |
| 8 | Amending Sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 21, and 23, of Article VI of the Constitution, relating to the judiciary, and establishing courts of appeal. Dickinson..... | 52 | | |
| 9 | Repealing Sections 22 and 23 of Article XII of the Constitution, relative to a Board of Railroad Commissioners. Langford..... | 56 | | |
| 10 | Adding a new section to the Constitution to be known and designated as Section 7½, Article XI thereof, providing for the framing by the inhabitants of counties of local county government Acts for their own government. Stratton..... | 61 | 1127 | 1349 |
| 11 | Amending Section 7 of Article I of the Constitution, relative to juries. Voorheis..... | 61 | | |
| 12 | Amending Article II of the Constitution, relative to the right of suffrage. Bulla..... | 63 | | |
| 13 | Amending Section 5 of Article XI of the Constitution, relative to the compensation of county and township officers. Smith..... | 65 | 1138 | |
| 14 | Amending Section 1 of Article XIII of the Constitution, relative to exemptions from taxation. Holloway..... | 88 | | |
| 15 | Amending Section 1 of Article XIII of the Constitution, relative to revenue and taxation. Seawell..... | 88 | | |
| 16 | Amending Section 33 of Article IV of the Constitution, relative to the regulation and limitation of the charges for services performed and commodities furnished by telegraph, gas, telephone, and electric light, heat, and power corporations, and the charges by corporations or individuals for storage and wharfage in which there is a public use. Linder..... | 100 | | |
| 17 | Amending Section 1 of Article XVIII of the State Constitution. Mahoney..... | 102 | | |
| 18 | Adding to Article XX of the Constitution a new section, to be known as Section 21, relating to dividing the State into fish and game districts. Gillette..... | 111 | 1139 | |
| 19 | Amending Article IV of the Constitution, relative to the legislative department, by adding a section thereto, to be numbered 36. Withington..... | 116 | | |
| 20 | Amending the Constitution of the State, relative to revenue and taxation. Bulla..... | 131 | | |

| Number | TITLE. | Intro-
duced | Passed
Senate | Passed
Assembly |
|--------|--|-----------------|------------------|--------------------|
| 21 | Amending Section 1, Article VI of the Constitution, relating to the judiciary, by providing for the establishing of intermediate courts. Bulla..... | 132 | | |
| 22 | Amending Article XIII of the Constitution, Section 1, relative to revenue and taxation. Gleaves..... | 152 | | |
| 23 | Amending Section 7 of Article IX of the Constitution of the State of California, by taking away the control of granting high-school certificates from County Boards of Education. Boyce..... | 175 | | |
| 24 | Amending Section 4, Article XI, of the Constitution, in relation to establishing a system of county governments. Simpson..... | 312 | | |
| 25 | Amending Section 12, Article XIII, of the Constitution, in relation to the providing for the collection of an annual poll tax. Simpson..... | 312 | | |
| 26 | Amending Article VI of the Constitution of the State of California, relating to the judicial department. Stratton..... | 331 | | |
| 27 | Amending Section 9, Article I, of the Constitution, relating to declaration of rights. Prisk..... | 331 | | |
| 28 | Amending Section 12 of Article XI of the Constitution, relative to revenues and taxation and license. Androus..... | 352 | | |
| 29 | Amending Section 2 of Article IV of the Constitution, relative to sessions of the Legislature. Voorheis..... | 374 | | |
| 30 | Amending Article VI of the Constitution of the State of California, relating to the judiciary department. Dickinson..... | 374 | | |
| 31 | Amending Article VI of the Constitution of the State of California, relating to the judiciary department. Bulla..... | 400 | | |
| 32 | Amending Section 7 of Article IX of the Constitution of the State of California, relative to county boards of education. Shippee..... | 434 | | |
| 33 | Amending Article IV of the Constitution of the State of California. Brauhart..... | 471 | | |
| 34 | Amending Article XI of the Constitution of the State of California, relating to the legislative department. Denison..... | 505 | | |
| 35 | Amending Article XI of the Constitution by adding a new section thereto, to be known as Section 5½, relating to consolidated city and county governments. Brauhart..... | 550 | | |
| 36 | Amending Section 8, Article XI, of the Constitution relating to the framing of charters for cities containing a population of more than three thousand five hundred inhabitants. Dwyer..... | 592 | | |
| 37 | Amending the Constitution, relative to the judiciary. Dickinson..... | 596 | | |
| 38 | Amending the Constitution, relative to the judicial department. Simpson..... | 604 | | |
| 39 | Amending the Constitution, relative to the judicial department Simpson..... | 604 | 1197 | |
| 40 | Amending Section 23 of Article IV of the Constitution of the State of California. Mahoney..... | 642 | | |
| 41 | Amending Section 18 of Article XI of the Constitution, in relation to revenue and taxation. Dickinson..... | 688 | 1128 | 1302 |
| 42 | Amending Article XI of the Constitution, by adding thereto a new section, to be numbered and know as Section 12A. Morehouse..... | 862 | | |
| 43 | Amending the Constitution, relating to the judicial department. Gillette..... | 1104 | | |
| 44 | Proposing a Court of Claims. Gillette..... | 1104 | 1183 | 1348 |



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